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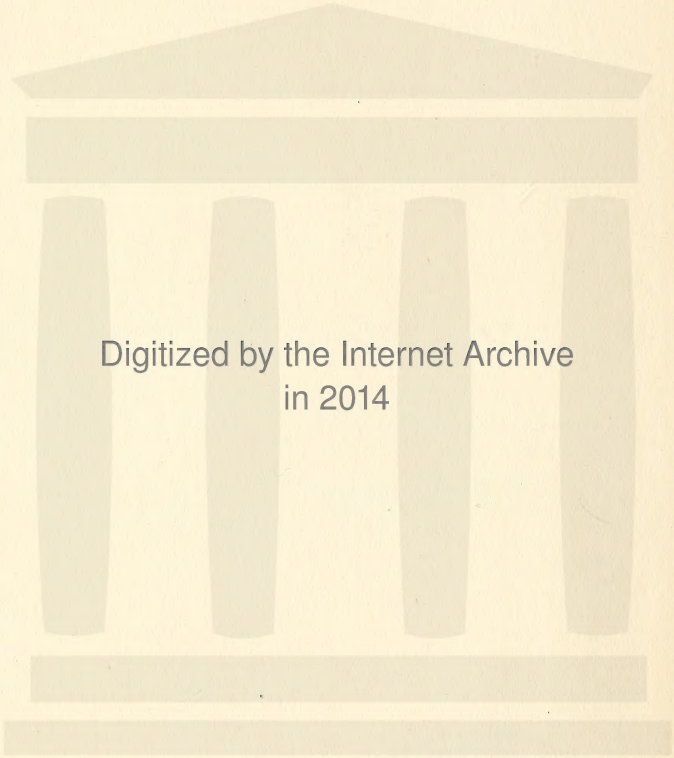

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The Writings of Thomas Jefferson

Memorial Edition

The Thomas Jefferson Memorial Association

The Kosciusko Jefferson

(Jefferson at Fifty-four)

Photogravure from Sokolnicki's Colored Lithograph of the Original Crayon by General Thaddeus Kosciusko. By permission of William J. Campbell, of Philadelphia.

The portrayal of Jefferson by Kosciusko was a labor of love. It was done during Kosciusko's visit to the United States, 1797-1798. The original pastel has been lost, but a few copies of the contemporary color reproduction by Sokolnicki, printed in 1798, are still extant. This engraving bears the following inscription: "Thomas Jefferson, A Philosepher a Patriote and a Friend. Dessiné par son Ami Tadée Kosciuszko. Et gravé par Mr Sokolnicki."

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THE WRITINGS OF
THOMAS JEFFERSON

Memorial Edition

CONTAINING HIS

AUTOBIOGRAPHY, NOTES ON VIRGINIA, PARLIAMENTARY MANUAL, OFFICIAL PAPERS, MESSAGES AND ADDRESSES, AND OTHER WRITINGS, OFFICIAL AND PRIVATE, NOW COLLECTED AND

PUBLISHED IN THEIR ENTIRETY FOR THE FIRST TIME

INCLUDING

ALL OF THE ORIGINAL MANUSCRIPTS, DEPOSITED IN THE DEPARTMENT OF STATE AND PUBLISHED IN 1853 BY ORDER OF THE JOINT COMMITTEE OF CONGRESS

WITH NUMEROUS ILLUSTRATIONS
AND
A COMPREHENSIVE ANALYTICAL INDEX

ANDREW A. LIPSCOMB, *Chairman Board of Governors*
EDITOR-IN-CHIEF

ALBERT ELLERY BERGH
MANAGING EDITOR

VOL. XVII.

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THE THOMAS JEFFERSON MEMORIAL ASSOCIATION
OF THE UNITED STATES
WASHINGTON, D. C.
1904

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Memorial Edition

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JEFFERSON'S RELIGION.

"Rebellion to tyrants is obedience to God."
—*Motto on Jefferson's Seal*

To attempt to pry into the heart of any man and analyze his religious convictions was the last thing Thomas Jefferson would have done. "Religion is a subject on which I have been most scrupulously reserved," he wrote in a letter to Richard Rush; "I have considered that it is a matter between a man and his Maker in which no other, and far less the public, had a right to intermeddle." For this reason the writer was somewhat reluctant to enter into the arcana of Jefferson's religious beliefs. But the memory and influence of Jefferson are so precious an heritage to the American people that any effort to defend them from slander and misinterpretation is its own justification. Over-zealous partisans of religious conceptions have made bitter attacks upon Jefferson, both while he was alive and since his death. He has been called an atheist and infidel, and the fiercest denunciations of his life and character, based upon this thought, have been hurled against him. While not altogether undisturbed by these attacks he felt, as he has himself

expressed it, that "the patriot, like the Christian, must learn that to bear revilings and persecutions is a part of his duty." "I know I might have filled the courts of the United States with actions for these slanders," he adds, "and have ruined, perhaps, many persons who are not innocent. But this would be no equivalent to the loss of character. I leave them to the reproof of their own consciences. If these do not condemn them, there will yet come a day when the false witness will meet a Judge who has not slept over his slander."

Both Jefferson and his defamers of his day have long gone to meet that sleepless Judge. The attacks upon him did not cease when his mighty mind rested from its work and his noble soul left its tenement of clay. But "though being dead, he yet speaketh," and his words, treasured in the pantheon of humanity's most splendid utterances, do tell to-day of his abiding faith and his reverent obedience to the Divine Will. I purpose to let his own words speak for him, and himself to express what, he being silent, no other man would have right to affirm or deny.

Far from being an infidel or an atheist Thomas Jefferson was a deeply reverent and religious spirit, a firm believer in God and in the supreme justice of His overruling providence. Jefferson's religion was that of an earnest, serious character, the result of many hours of profound study and meditation. Its very nature forbade its display, much more, its

constant protestation. He did not feel that it was necessary for him to "wear his heart upon his sleeve," nor did he ask any other man to do so. But he was not a dogmatist. His religion was a rational faith and not a theological creed. He believed firmly in the existence of God, and he believed just as firmly that every human being had the right to believe as he chose, or to disbelieve if he chose. This faith he gave evidence of on many occasions and in many documents, both of public and private nature. In an address which he prepared for the Virginia House of Burgesses to be presented to Lord Dunmore, in 1775, he uses this language: "We commit our injuries to the even-handed justice of that Being, Who doth no wrong, earnestly beseeching Him to illuminate the councils, and prosper the endeavors of those to whom America has confided her hopes." In his first inaugural address he said, "May that infinite Power which rules the destinies of the universe, lead our councils to what is best and give them a favorable issue for your peace and prosperity." In an address of Congress to General Washington, prepared by Jefferson, are these words, "We join you in commending the interests of our dearest country to the protection of Almighty God, beseeching Him to dispose the hearts and minds of its citizens to improve the opportunity afforded them of becoming a happy and respectable nation. And for you we address to Him our earnest prayers, that a life so

beloved may be fostered with all His care; that your days may be happy as they have been illustrious; and that He will finally give you that reward which this world cannot give." In a letter to John Adams, written in 1823, he upholds the teleological argument for the existence of God, and declares that he holds, without an appeal to revelation, the belief that the consummate skill and infinite power exhibited in the universe support the hypothesis of an eternally pre-existent Creator.

He did not hesitate to seek, publicly in prayer, the help of God. In his first inaugural address he invokes the help of that "Infinite power which rules the destinies of the universe." In his second inaugural address he says, "I shall need the favor of that Being in Whose hands we are, Who led our forefathers, as Israel of old, from their native land and planted them in a land flowing with all the necessaries and comforts of life; Who has covered our infancy with His providence and our riper years with His wisdom and power; and to Whose goodness I ask you to join me in supplications, that He will so enlighten the minds of your servants; guide their councils and prosper their measures that whatsoever they shall do shall result in your good, and secure the peace, friendship and approbation of all nations,"

His belief in immortality he voiced a number of times, and very clearly so in a letter to John Adams, written toward the close of his life. He wrote,

"The term is not very distant when we are to deposit in the same cerement our sorrows and our suffering bodies, and to ascend in essence to an ecstatic meeting with the friends we have loved and lost, and whom we shall still love and never lose again."

Thomas Jefferson was neither a hypocrite nor a coward. These utterances were not thus made to curry favor or to cater to an unreasoning public, nor to ward off attack. They were given in private letters to personal friends, and most of those that were incorporated in public documents were done so after he had attained to the Presidency, the highest gift at the hands of the people, and when he had nothing more of public honor to await. They are the sincere outpourings of a brave and reverent soul, of an earnest heart that beat in full sympathy with his fellow-men and in humble concord with the throbbing pulse of the omnipresent and omniscient Spirit that permeates the universe.

It is possible that the charge of atheism, where it was not the fruit of malice, grew out of a misunderstanding of the noble tolerance and breadth of view that characterized the sage of Monticello. He was utterly free from every form of cant. His constant struggle was for liberty. Liberty was the passion of his life. He could not abide anything that savored in the slightest of any form of tyranny or compulsion. He said, "I have sworn, on the altar of God, eternal hostility against every form of

tyranny over the mind of man." Full seventy-five years before the great conflict that finally cut the Gordian knot of slavery, Jefferson endeavored to obtain its abolition by the gradual emancipation of the slave. He deplored slavery on the high ground of justice and morality, and he fought for its destruction on the lofty basis of liberty and human right. It was a thing dear to his heart and a life-long anxiety; and on it he speaks with the sentiment of a patriot and a God-fearing man. He wrote, "Can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God? That they are not to be violated but with His wrath? Indeed I tremble for my country when I reflect that God is just; that His justice cannot sleep forever; that considering numbers, nature and natural means only, a revolution of the wheel of fortune, an exchange of situation is among possible events; that it may become probable by supernatural interference! The Almighty has no attribute which can take side with us in such a contest."

Shortly before his death he sketched the simple design that has served as the model for his tombstone, and he selected the epitaph which he desired to be placed thereon. He had been Governor of Virginia, he had been Ambassador to France. He had been Vice-President and twice President of the United States. But he made no mention of these.

He wished to be remembered as the "Author of the Declaration of American Independence, and of the Virginia Statute for Religious Freedom, and as Father of the University of Virginia." These were his achievements in behalf of human liberty. They comprise civil freedom, religious freedom and intellectual freedom. If he laid stress upon any one of these, it was upon religious freedom, the freedom of conscience. To him conscience was the voice of God within the human breast. It was the final guide, the ultimate arbiter of all things. It was too intimate, too sacred a thing to be made to suffer the least coercion. It was the fountain of all other liberties and its untrammeled activity was to be maintained at all hazard. It was this view of conscience that made him so reserved in the matter of religion. "I am averse to the communication of my religious tenets to the public," he said "because it would countenance the presumption of those who have endeavored to draw them out before that tribunal, and to reduce public opinion to erect itself into that inquisition over the rights of conscience which the laws so justly prescribe."

A misinterpretation of these utterances in behalf of religious freedom may have given rise to the attacks made upon him. But he did not deny God. He denied the dogmatic statements that men had made about God. He was no enemy of religion, but he was a bitter opponent to the bigotry of sectarianism. Tyranny was tyranny, whether

it was the tyranny of the throne or the tyranny of theology, and against every form of tyranny he had sworn eternal hostility. He was consistently an untiring advocate of the separation of church and state. Their union is an illogical and a dangerous one. No one saw this more clearly than Jefferson, and no one argued against it more cogently or logically than he. Like all his reasoning on earnest topics, his arguments are based on the high ground of morality and pure religion itself. "To suffer the civil magistrate to intrude his powers into the field of opinion, and to restrain the profession or propagation of principles on the supposition of their ill tendency, is a dangerous fallacy, which at once destroys all religious liberty. I cannot give up my guidance to the magistrate, because he knows no more the way to Heaven than I do, and is less concerned to direct me right, than I am to go right. If a magistrate command me to bring my commodity to a public storehouse, I bring it because he can indemnify me if he erred, and I thereby lose it; but what indemnification can he give one for the kingdom of Heaven? Believing that religion is solely a matter that lies between a man and his God, that he owes account to none other for his faith and his worship, that the legislative powers of government reach actions only and not opinions, I contemplate with sovereign reverence that act of the whole American people, which declared that their legislature should make no law

respecting an establishment of religion, or prohibiting the free exercise thereof, thus building a wall of separation between church and state." These are some of the sentiments which he expressed relative to the union of the church and the state.

His attitude toward the church itself is best given in the definition of a church which he set forth, that it is "a *voluntary* society of men joining themselves of their own accord in order to the public worshiping of God in such a manner as they judge acceptable to Him and effectual to the salvation of their souls. It is *voluntary*, because no man is by nature bound to any church. The hope of salvation is the cause of his entering into it. If he find anything wrong about it he should be as free to go out as he was to come in." As to the jurisdiction of the church he added, "Each church being free, no one can have jurisdiction over another one, not even when the civil magistrate joins it. It neither acquires the right of the sword by the magistrate's coming into it, nor does it lose the right of instruction or excommunication by his going from it."

Of his attitude toward the Christian church specifically he gave a statement, in a letter written to Dr. Rush, in 1813. His views, he says, are "the result of a life of enquiry and reflection and very different from that anti-Christian system imputed to me by those who know nothing of my opinions. To the corruptions of Christianity I am indeed

opposed, but not to the precepts of Jesus Himself. I am a Christian in the only sense in which He wished any one to be; sincerely attached to His doctrines in preference to all others; ascribing to Himself every human excellence, and believing He never claimed any other." To this letter he added a short syllabus, in which, after reviewing the ethics of ancient philosophy and of the Hebrew code, and giving a brief history of the life of Jesus, he says that in spite of imperfections, due to various causes, the moral doctrines taught by Jesus surpass those of the other philosophies, give juster notions of the attributes and government of God and that whereas the "Precepts of philosophy and of the Hebrew code laid hold of actions only, He (Jesus) pushed His scrutinies into the heart of man, erected His tribunal in the region of his thoughts and purified the waters at the fountain head."

In his own words Jefferson has given his religious views. To have charged him with being an atheist, or an infidel, or an enemy of religion, was simply folly, where it was not malicious invention. Jefferson had far more religion than his detractors, I care not how orthodox their views or how frequent their church attendance. Jefferson devoted his life, the whole energy of his splendid moral strength and his finely equipped mind, to the service of his fellow men. Humanity has had no more loyal servant and pure religion no truer defender.

Men are beginning to differentiate between theol-

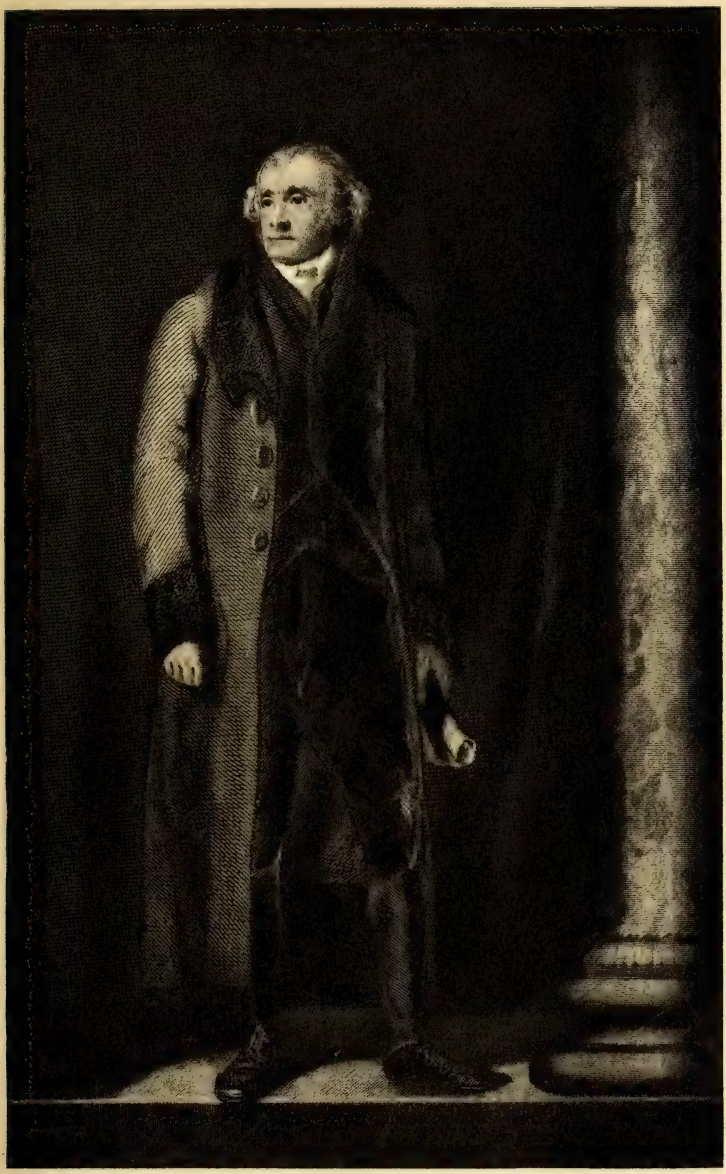
ogy and religion, between creed and faith. The throne of dogmatism has been shaken and the rule of sectarianism is nigh unto its end. In the light of a nobler vision men are beginning to see that deed is better than dogma, that character and conduct are more than theological finesse; that the eternal God is the Father of all human beings; that He understands the language of every prayer and hears and heeds the moan of every heart. To serve humanity is to serve humanity's God. Like Ben Adhem's name, when the roll is called of those who loved God best, the name of Thomas Jefferson will lead all the rest, for he loved his fellow-men and worked and suffered for them.

The West Point Jefferson

(*Jefferson at Seventy-eight*)

Photogravure from the Original Painting by Thomas Sully, at the United States Military Academy at West Point.

This full-length portrait of Jefferson was completed four years after his death, from the painting made by Sully, in March, 1821. (See frontispiece to Volume XI.) The artist visited Monticello, at the request of the authorities of West Point, for the express purpose of having Jefferson sit for his portrait. The reason the officers of the Corps of Engineers, U. S. A., desired the portrait was because "President Jefferson, March 16, 1802, approved the act of Congress creating the Army and Navy Corps of Engineers, which 'shall constitute a Military Academy.'" The portrait now hangs in the Library at West Point and the canvas is indorsed by Sully: "From Jefferson 1821, completed 1830."



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Portraits of Non-signers*

(*Declaration of Independence*)

The Photogravures are from the Original Paintings in Independence Hall, Philadelphia.

John Dickinson (1730-1808) was born in Maryland. He studied law in Philadelphia and London, and in 1764 he was elected to the Pennsylvania Assembly. The next year he was a deputy to the First Colonial Congress and drew its resolutions. He published his well-known "Farmer's Letters" in 1767, which were republished in England and France. In 1774 he became a delegate to the Continental Congress, where he wrote many important state papers, and published his "Essay on the Constitutional Power of Great Britain over the Colonies in America." He objected to the Declaration of Independence as premature, and refused to sign it. This made him unpopular and he was compelled for a time to withdraw from public life. However, in April, 1779, he returned to Congress and wrote "The Address to the States" of May 26th. From 1781 to 1785 he was President of the States of Delaware and Pennsylvania, and in 1787 was elected a member of the convention for framing the Federal Constitution. Then followed the publication of the famous "Fabius" letters, urging the adoption of that Constitution. He founded and endowed the college which bears his name. (*Photogravure from the Original Painting by Charles Wilson Peale.*)

John Nixon (1733-1808) was born in Philadelphia, Pa. Early in 1765 he took active part in opposing the measures of the Stamp Act, and signed the non-importation agreement. He became a member of the first Committee of Correspondence in Pennsylvania. He was appointed in April, 1775, Lieutenant-Colonel of the Third Battalion of the *Associators*. After having charge of the defenses of the Delaware at Fort Island, from May to July, 1776, he was given command of the city of Philadelphia. He was the first man to announce publicly the Declaration of Independence, which he read from the steps of the Philadelphia Court House, on the 8th day of July, 1776. He was one of the organizers of the Bank of North America, and its president from 1792 till the year of his death. (*Photogravure from the Original Painting.*)

Charles Thomson (1729-1824) was born at Maghera, Ireland. When twelve years of age he landed at New Castle, Del., together with three sisters. His sole capital was industry. Dr. Allison, taking a great interest in the boy, educated him and fitted him for the position of tutor at the Friends' Academy of New Castle. On leaving that school he removed to Philadelphia, where he won the friendship of Dr. Franklin. In 1758 he was one of the commissioners sent to treat with the Indians at Oswego. The Delawares adopted him and gave him a name that signified "one who speaks truth." He was the only secretary Congress had during the stress of the Revolution, holding the position continuously from 1774 to 1789. Jefferson and Thomson corresponded over thirty years. (*Photogravure from the Original Painting by Charles Wilson Peale.*)

Bishop William White (1748-1836) was born in Philadelphia, Pa. He was graduated from the Philadelphia College in 1765. While in England he was admitted to priests' orders, 1772. He knew Dr. Johnson and Oliver Goldsmith in London. Soon after his return from abroad he was chosen rector of Christ Church and St. Peter's in his native city. In 1777 he became chaplain to Congress at Yorktown. He wrote the Constitution of the Episcopal Church and presided at its first convention, in 1785. He was consecrated by the Archbishop of Canterbury on February 4, 1787, thereby becoming the first Protestant Episcopal Bishop of Pennsylvania. He was president of the first Bible Society formed in the United States, and held many other ecclesiastical offices. (*Photogravure from the Original Painting by Charles Wilson Peale.*)

* The term "non-signers" is not necessarily intended to imply an individual who was opposed to the measures expressed in the Declaration of Independence, but one who was present, in some official capacity, at the signing of the instrument.

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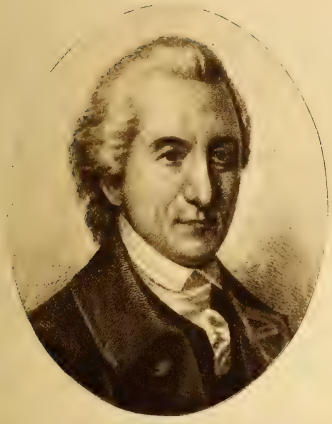
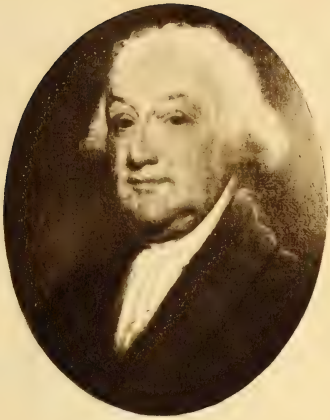
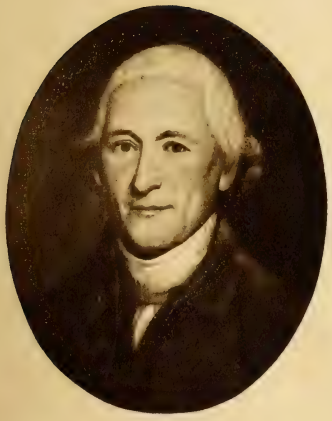
* The word "non-signers" is not intended [illegible]



JOHN DICKINSON



COL. JOHN NIXON



CHARLES THOMSON

REV. BISHOP WHITE

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MISCELLANEOUS PAPERS.

INTRODUCTORY NOTES.

Aside from the official documents drawn by Jefferson in connection with his political positions, he left, at his death, among his voluminous manuscripts, a mass of material that he had prepared for special or private purposes. Of such the Miscellaneous Papers are composed together with rough drafts and extempore notes made for future elaboration, and evidently for some final and effective use. The papers presented under this head cover a period of nearly half a century, from the time Jefferson was Governor of Virginia right up to the year of his death. At the beginning of this series will be found the extracts from Jefferson's diary during the years 1780–81—excerpts he selected to vindicate his conduct as Executive of his State during the invasion of Virginia under Benedict Arnold. Jefferson retired from the Governorship of Virginia amid a storm of criticism and censure and determined never to fill another public office. Subsequently, however, he was mollified by the apology extended by the Legislature for the obloquy cast upon him, and accepted a reappointment to Congress. Due to his efforts there are the humane measures, promulgated in the Instructions to American Ministers for negotiating commercial treaties with European nations.

These "Instructions" are followed by a group of unclassified papers written while Jefferson was Minister to France. At the close of this group we have daily memoranda jotted down by Jefferson on trips made in the early spring through the southern part of France and northern section of Italy; chiefly interesting as exhibiting the minuteness of his observation and his examination of anything in the line of agricultural, mechanical or industrial improvements that might prove of value to his country.

Many of these Miscellaneous Papers were written while Jefferson was Secretary of State, and bear evidence of his powers as a diplomat in maintaining peaceful relations with war-waging foreign countries. They also present his successful arguments in securing the right to navigate the Mississippi—one of the first steps to reveal the importance and worth of the Louisiana territory.

Probably one of the most interesting papers in the entire collection is the draft of the famous Kentucky Resolutions from the pen of Jefferson

while Vice-President. These Resolutions were drawn as a protest against the Alien and Sedition Laws as "palpable and alarming infractions of the Constitution." They were passed with some changes by the Kentucky Legislature on November 14, 1798. Jefferson's authorship of these Resolutions was kept a secret for many years. In 1821 he wrote a brief history of their inception in a letter to the son of his friend, Colonel W. C. Nicholas. He says in this letter: "At the time when the republicans of our country were so much alarmed at the proceedings of the Federal ascendancy in Congress, in the Executive and Judiciary departments, it became a matter of serious consideration how head could be made against their enterprises on the Constitution. The leading republicans in Congress found themselves of no use there, browbeaten as they were by a bold and overwhelming majority. They concluded to retire from that field, take a stand in their State legislatures, and endeavor there to arrest their progress. The Alien and Sedition Laws furnished the particular occasion. The sympathy between Virginia and Kentucky was more cordial and more intimately confidential than between any other two States of republican policy. Mr. Madison came into the Virginia Legislature. I was then in the Vice-Presidency, and could not leave my station; but your father, Colonel W. C. Nicholas, and myself, happening to be together, the engaging coöperation of Kentucky in an energetic protestation against the constitutionality of those laws became a subject of consultation. Those gentlemen pressed me strongly to sketch resolutions for that purpose, your father undertaking to introduce them to that legislature, with a solemn assurance which I strictly required, that it should not be known from what quarter they came. I drew and delivered them to him, and in keeping their origin secret he fulfilled his pledge of honor."

There are at least two remaining numbers of the Miscellaneous Papers which will awaken the interest of even the casual reader. Namely the scheme for organizing agricultural societies devised by Jefferson in his retirement at Monticello, in 1811, as an early expression of such a project; and the construction of a plan for establishing elementary schools in the form of a bill outlining a system of education incorporating principles not improved upon in this day of eclectic and synthetic instruction. Attention is called to the fact that this far-reaching educational thesis of Jefferson is given for the first time in its entirety in the present edition of his Writings. The Congressional edition of 1853 gave it in part, while the Ford collection of 1892 omitted it altogether.

JEFFERSON'S WORKS.

MISCELLANEOUS PAPERS.

Extract from Diary relative to the Invasion of Virginia in 1780, 1781.

Saturday, December the 31st, 1780, eight o'clock, A. M. Received first intelligence that twenty-seven sail were, on the morning of December the 29th, just below Willoughby's Point. Sent off General Nelson, with full powers.

1781. January the 1st. No intelligence.

January the 2d, ten o'clock, A. M. Information from N. Burwell, that their advance was at Warrasqueak Bay. Gave orders for militia, a quarter from some, and half from other counties. Assembly rose.

Wednesday, January the 3d, eight o'clock, P. M. Received a letter from E. Archer, Swan's Point, that at twelve o'clock that day they were at anchor a little below Jamestown. At five o'clock, P. M., of the same day, I had received a letter from R. Andrews for General Nelson, that they were at Jamestown the evening of the 2d.

Thursday, January the 4th, five o'clock, A. M. Mr. Eppes and family, etc., came and informed me from the Speaker, that they had passed Kennon's and Hood's the evening before; the tide having made for them at one o'clock, P. M., of the 3d, and the wind shifted to the east strong. They had not, however, passed Hood's, but anchored at Kennon's. Called whole militia from adjacent counties. I was then anxious to know whether they would pass Westover, or not, as that would show the side they would land.

Five o'clock, P. M. Learned by Captain De Ponthiere, that at two o'clock, P. M., they were drawn up at Westover. Then ordered arms, and stores, etc., (which till then had been carrying to Westham,) to be thrown across the river at Richmond; and at half-past seven o'clock, P. M., set out to the foundry and Westham, and set Captain Brush, Captain Irish, and Mr. Hylton, to see everything wagoned from the magazine and laboratory to Westham, and there thrown over; to work all night. The enemy encamped at Four-Mile Creek. I went to Tuckahoe and lodged.

January the 5th. Went early over the river with my family; sent them up to Fine Creek; went myself to Westham; gave orders for withdrawing ammunition and arms (which lay exposed on the bank to the effect of artillery from opposite shore), behind a point. Then went to Manchester; had a view of the enemy. My horse sunk under me with

fatigue; borrowed one, went to Chetwood's, appointed by Baron Steuben as a rendezvous and headquarters; but finding him not there, and understanding he would go to Colonel Henry's, I proceeded there for quarters. The enemy arrived in Richmond at one o'clock, P. M. One regiment of infantry and thirty horse proceeded, without stopping, to the foundry; burned that and the magazine and Ballendine's house, and went as far as Westham. They returned that evening to Richmond. Sent me a proposition to compound for property. Refused.

January the 6th. In the morning they burned certain houses and stores, and at twelve o'clock of that day left Richmond, and encamped at Four-Mile Creek. I went to Westham, ordered books and papers particularly from magazine. In the evening I went up to Fine Creek.

January the 7th. I returned to Westham, and then came down to Manchester, where I lodged. The enemy encamped at Westover and Berkley. It had rained excessively the preceding night, and continued to do so till about noon. Gibson has one thousand; Steuben, eight hundred; Davis, two hundred; Nelson, two hundred and fifty.

January the 8th, at half-past seven o'clock, A. M. I returned to Richmond. The wind gets, about this time, to northwest; a good gale; in the afternoon becomes easterly. The enemy remain in their last encampment. General Nelson at Charles City C. H.

Colonel Nicholas with three hundred men at the Forest.

January the 9th, eleven o'clock. The wind is southeast, but almost nothing. The enemy remain in their last encampment, except embarking their horse.

January the 10th, at one o'clock, P. M. They embark infantry, and fall down the river, the wind having shifted a little north of west, and pretty fresh. Baron Steuben gets to Bland's Mills to-night, nine miles short of Hood's.

January the 11th, eight o'clock, A. M. The wind due west, and strong.

Loss sustained by the public.

The papers and books of the Council since the Revolution. The papers of the auditors, but not their books. Five brass field-pieces, four-pounders, which had been sunk in the river, but were weighed by the enemy. About one hundred and fifty arms in the Capitol loft. About one hundred and fifty in a wagon on the Brook road. About five tons of powder, and some made ammunition at magazine. Some small proportion of the linens, cloths, etc., in the public store. Some quartermasters' stores; the principal articles was one hundred and twenty sides of leather. Some of the tools in the artificers' shops. Foundry, magazine, four artificers' shops, public store, quartermasters' store, one artificers' shop, three wagons.

The legislature was sitting when the entrance of the enemy into James river was made known. They were informed, without reserve, of the measures adopted. Every suggestion from the members was welcomed and weighed, and their adjournment on the 2d of January furnished the most immediate and confidential means of calling for the militia of their several counties. They accordingly became the bearers of those calls, and they were witnesses themselves, that every preparation was making which the exhausted and harassed state of the country admitted.

They met again at Richmond in May, and adjourned to Charlottesville, where they made a House on the 28th. My office of Governor expired on the 2d of June, being the fifth day of the session; and no successor had been appointed, when an enterprise on the 4th by Tarleton's cavalry drove them thence, and they met again at Staunton on the 7th. Some members attended there who had not been at Richmond at the time of Arnold's enterprise. One of these, George Nicholas, a very honest and able man, then, however, young and ardent, supposing there had been some remissness in the measures of the Executive on that occasion, moved for an inquiry into them, to be made at the succeeding session. The members who had been present and privy to the transactions, courted the inquiry on behalf of the executive. Mr. Nicholas, as a candid and honorable man, sent me, through a friend, a

copy of the topics of inquiry he proposed to go into; and I communicated to him, with the same frankness, the justifications I should offer, that he might be prepared to refute them if not founded in fact. The following is a copy of both:—

1*st Objection.*—That General Washington's information was, that an embarcation was taking place, destined for this State.

Answer.—His information was, that it was destined for the southward, as was *given out* at New York. Had similar informations from General Washington, and Congress, been considered as sufficient ground at all times for calling the militia into the field, there would have been a standing army of militia kept up; because there has never been a time, since the invasion expected in December, 1779, but what we have had those intimations hanging over our heads. The truth is, that General Washington always considered as his duty to convey every rumor of an embarkation; but we (for some time past, at least) never thought anything but actual invasion should induce us to the expense and harassment of calling the militia into the field; except in the case of December, 1799, when it was thought proper to do this in order to convince the French of our disposition to protect their ships. Inattention to this necessary economy, in the beginning, went far towards that ruin of our finances which followed.

2d Objection.—Where were the post-riders, established last summer?

Answer.—They were established at Continental expense, to convey speedy information to Congress of the arrival of the French fleet, then expected here. When that arrived at Rhode Island, these expenses were discontinued. They were again established on the invasion in October, and discontinued when that ceased. And again on the first intimation of the invasion of December. But it will be asked, why were they not established on General Washington's letters? Because those letters were no more than we had received upon many former occasions, and would have led to a perpetual establishment of post-riders.

3d Objection.—If a proper number of men had been put into motion on Monday, for the relief of the lower country, and ordered to march to Williamsburg, that they would at least have been in the neighborhood of Richmond on Thursday.

Answer.—The order could not be till Tuesday, because we then received our first certain information. Half the militia of the counties round about Richmond were then ordered out, and the whole of them on the 4th, and ordered not to wait to come in a body, but in detachments as they could assemble. Yet were there not on Friday more than two hundred collected, and they were principally of the town of Richmond.

4th Objection.—That we had not the signals.

Answer.—This, though a favorite plan of some gentlemen, and perhaps a practicable one, has hitherto been thought too difficult.

5*th Objection.*—That we had not look-outs.

Answer.—There had been no cause to order look-outs more than has been ever existing. This is only in fact asking why we do not always keep look-outs.

6*th Objection.*—That we had not heavy artillery on travelling carriages.

Answer.—The gentlemen who acted as members of the Board of War a twelvemonth can answer this question, by giving the character of the artificers whom, during that time, they could never get to mount the heavy artillery. The same reason prevented their being mounted from May, 1780, to December. We have even been unable to get those heavy cannon moved from Cumberland by the whole energy of government. A like difficulty which occurred in the removal of those at South Quay, in their day, will convince them of the possibility of this.

7*th Objection.*—That there was not a body of militia thrown into Portsmouth, the great bridge, Suffolk.

Answer.—In the summer of 1780, we asked the favor of General Nelson, to call together the County Lieutenants of the lower counties, and concert the general measures which should be taken for instant opposition, on any invasion, until aid could be ordered by the Executive; and the County Lieuten-

ants were ordered to obey his call; he did so the first moment, to wit, on Saturday, December the 31st, at 8 o'clock A. M., of our receiving information of the appearance of a fleet in the bay. We asked the favor of General Nelson to go down, which he did, with full powers to call together the militia of any counties he thought proper, to call on the keepers of any public arms or stores, and to adopt for the instant such measures as exigencies required, till we could be better informed.

Query.—Why were not General Nelson, and the brave officers with him, particularly mentioned?

Answer.—What should have been said of them? The enemy did not land, nor give them an opportunity of doing what nobody doubts they would have done; that is, something worthy of being minutely recited.

Query.—Why publish Arnold's letter without General Nelson's answer?

Answer.—Ask the printer. He got neither from the Executive.

Objection.—As to the calling out a few militia, and that late.

Answer.—It is denied that they were few or late. Four thousand and seven hundred men (the number required by Baron Steuben) were called out the moment an invasion was known to have taken place, that is on Tuesday, January 2d.

Objection.—The abandonment of York and Portsmouth fortifications.

Answer.—How can they be kept without regulars, on the large scale on which they were formed? Would it be approved of to harass the militia with garrisoning them?

To place me on equal ground for meeting the inquiry, one of the representatives of my county resigned his seat, and I was unanimously elected in his place. Mr. Nicholas, however, before the day, became better satisfied as to what had been done, and did not appear, to bring forward the inquiry; and in a publication, several years after, he made honorable acknowledgment of the erroneous views he had entertained on those transactions. I therefore read in my place the inquiries he had proposed to make, and stated the justifications of the Executive. And nearly every member present having been a witness to their truth, and conscious all was done which could have been done, concurred at once in the following resolution:

"The following resolution was *unanimously* agreed to by both Houses of the General Assembly of Virginia, December the 19th, 1781.

"*Resolved*, That the sincere thanks of the General Assembly be given to our former Governor, Thomas Jefferson, Esquire, for his impartial, upright, and attentive administration whilst in office. The Assembly wish in the strongest manner to declare the high opinion they entertain of Mr. Jefferson's ability, rectitude, and integrity as Chief Magistrate of this Commonwealth, and mean, by thus publicly avow-

ing their opinion, to obviate and to remove all unmerited censure."

And here it is but proper to notice the parody of these transactions which General Lee has given as their history. He was in a distant State at the time, and seems to have made up a random account from the rumors which were afloat where he then was. It is a tissue of errors from beginning to end.

The nonsense which has been uttered on the *coup de main* of Tarleton on Charlottesville is really so ridiculous, that it is almost ridiculous seriously to notice it. I will briefly, however, notice facts and dates. It has been said before, that the legislature was driven from Charlottesville by an incursion of the enemy's cavalry. Since the adjournment from Richmond, their force in this country had been greatly augmented by reinforcements under Lord Cornwallis and General Phillips; and they had advanced up into the country as far as Elk Island, and the Fork of James river. Learning that the legislature was in session at Charlottesville, they detached Colonel Tarleton with his legion of horse to surprise them. As he was passing through Louisa on the evening of the 3d of June, he was observed by a Mr. Gouett, who, suspecting the object, set out immediately for Charlottesville, and knowing the byways of the neighborhood, passed the enemy's encampment, rode all night, and before sunrise of the 4th, called at Monticello with notice of what he had seen, and passed on to Charlottes-

ville to notify the members of the legislature. The Speakers of the two Houses, and some other members were lodging with us. I ordered a carriage to be ready to carry off my family; we breakfasted at leisure with our guests, and after breakfast they had gone to Charlottesville; when a neighbor rode up full speed to inform me that a troop of horse was then ascending the hill to the house. I instantly sent off my family, and after a short delay for some pressing arrangements, I mounted my horse; and knowing that in the public road I should be liable to fall in with the enemy, I went through the woods, and joined my family at the house of a friend, where we dined. Would it be believed, were it not known, that this flight from a troop of horse, whose whole legion, too, was within supporting distance, has been the subject, with party writers, of volumes of reproach on me, serious or sarcastic? That it has been sung in verse, and said in humble prose, that forgetting the noble example of the hero of La Mancha, and his wind-mills, I declined a combat singly against a troop, in which victory would have been so glorious? Forgetting, themselves, at the same time, that I was not provided with the enchanted arms of the Knight, nor even with his helmet of Mambrino. These closet heroes, forsooth, would have disdained the shelter of a wood, even singly and unarmed, against a legion of armed enemies.

Here, too, I must note another instance of the want of that correctness in writing history, without

which it becomes romance. General Lee says that Tarleton, in another enterprise some time after, penetrated up the south side of James river to New London, in Bedford county. To that neighborhood precisely, where I had a possession, I had carried my family, and was confined there several weeks by the effects of a fall from my horse; and I can assure the readers of General Lee's history, that no enemy ever came within forty miles of New London.

Memorandum relative to invasion of Virginia in 1780, 1781.

Among the manuscripts of Mr. Jefferson, and *in his own handwriting*, is the following paper in relation to the invasion of Virginia in 1780–1781. It is, therefore, inserted here, in connection with the foregoing extract from his diary.

Richmond, 1780. Dec. 31st, at 8 A. M. The Governor received the first intelligence that twenty-seven sail of ships had entered Chesapeake Bay, and were in the morning of the 29th just below Willoughby's Point, [the southern cape of James river,] their destination unknown.

1781. January 2, at 10 A. M. Information received that they had entered James river, their advance being at Warrasqueak Bay. Orders were immediately given for calling in the militia, one-fourth from some, and half from other counties. The members of the legislature, which rises this day, are the bearers of the orders to their respective

counties. The Governor directs the removal of the records into the country, and the transportation of the military stores from Richmond to Westham, [on the river seven miles above,] there to be carried across the river.

January 3d, 8 P. M. The enemy are said to be a little below Jamestown; convenient for landing, if Williamsburg is their object.

January 4th, at 5 A. M. Information is received that they had passed Kennon's and Hood's the evening before with a strong easterly wind, which determines their object to be either Petersburg or Richmond. The Governor now calls in the whole militia from the adjacent counties.

At 5 P. M. Information that at 2 P. M. they were landed and drawn up at Westover, [on the north side of the river, and twenty-five miles below Richmond,] and consequently Richmond was their destination. Orders are now given to discontinue wagoning the military stores from Richmond to Westham, and to throw them across directly at Richmond.

The Governor having attended to this till an hour and a half in the night, then rode up to the foundry, [one mile below Westham,] ordered Captains Brush and Irish, and Mr. Hylton to continue all night wagoning to Westham the arms and stores still at the foundry, to be thrown across the river at Westham, then proceeded to Westham to urge the pressing the transportation there across the river, and

thence went to Tuckahoe [eight miles above, and on the same side of the river] to see after his family, which he had sent that far in the course of the day. He arrived there at 1 o'clock in the night.

Early in the morning he carried his family across the river there, and sending them to Fine Creek, [eight miles higher up,] went himself to Breton's on the south side of the river, [opposite to Westham,] finding the arms, etc., in a heap near the shore, and exposed to be destroyed by cannon from the north bank. He had them removed under cover of a point of land near by. He proceeded to Manchester [opposite to Richmond]. The enemy had arrived at Richmond at 1 P. M. Having found that nearly the whole arms had been got there from Richmond, he set out for Chetwood's to meet with Baron Steuben, who had appointed that place as a rendezvous and headquarters; but not finding him there, and understanding that he would be at Colonel Fleming's, [six miles above Breton's,] he proceeded thither. The enemy had now a detachment at Westham, and sent a deputation from the city of Richmond to the Governor at Colonel Fleming's to propose terms for ransoming the safety of the city, which terms he rejected. The Governor returned to Breton's, had measures taken more effectually to secure the books and papers there. The enemy having burnt some houses and stores, left Richmond, after twenty-four hours' stay there, and encamped at Four-Mile Creek, [eight or ten miles below,] and

the Governor went to look to his family at Fine Creek.

He returned to Breton's to see further to the arms there, exposed on the ground to heavy rains which had fallen the night before, and then proceeded to Manchester, and lodged there. The enemy encamped at Westover.

At half-past 7 A. M. he crossed over to Richmond, and resumed his residence there. The enemy are still retained in their encampment at Westover by an easterly wind. Colonel John Nicholas has now three hundred militia at the Forest, [six miles off from Westover,] General Nelson two hundred at Charles City Court House, [eight miles below Westover,] Gibson one thousand, and Baron Steuben eight hundred on the south side the river.

January 9th. The enemy are still encamped at Westover.

January 10th. At 1 P. M. they embark; and the wind having shifted a little to the north of the west, and pretty fresh, they fall down the river. Baron Steuben marches for Hood's, where their passage may be checked. He reaches Bland's Mills in the evening, within nine miles of Hood's.

January 11th. At 8 A. M. the wind due west and strong, they may make good their retreat. During this period time and place have been minutely cited, in order that those who think there was any remissness in the movements of the Governor, may lay their finger on the point,

and say when and where it was. Hereafter less detail will suffice.

Soon after this General Phillips having joined Arnold with a reinforcement of two thousand men, they advanced again up to Petersburg, and about the last of April to Manchester. The Governor had remained constantly in and about Richmond, exerting all his powers collecting militia, and providing such means for the defence of the State as its exhausted resources admitted. Never assuming a guard, and with only the river between him and the enemy, his lodgings were frequently within four, five, or six miles of them.

M. de la Fayette, about this time, arrived at Richmond with some Continental troops, with which, and the militia collected, he continued to occupy that place, and the north bank of the river, while Phillips and Arnold held Manchester and the south bank. But Lord Cornwallis, about the middle of May, joining the main southern armies, M. de la Fayette was obliged to retire. The enemy crossed the river, and advanced up into the country about fifty miles, and within thirty miles of Charlottesville, at which place the legislature being to meet in June, the Governor proceeded to his seat at Monticello, two or three miles from it. His office was now near expiring, the country under invasion by a powerful army, no services but military of any avail, unprepared by his line of life and education for the command of armies, he believed it right

not to stand in the way of talents better fitted than his own to the circumstances under which the country was placed. He therefore himself proposed to his friends in the legislature that General Nelson, who commanded the militia of the State, should be appointed Governor, as he was sensible that the union of the civil and military power in the same hands at this time, would greatly facilitate military measures. This appointment accordingly took place on the 12th of June, 1781.

This was the state of things when, his office having actually expired, and no successor as yet in place, Colonel Tarleton, with his regiment of horse, was detached by Lord Cornwallis to surprise Mr. Jefferson (whom they thought still in office) and the legislature now sitting in Charlottesville. The Speakers of the two Houses, and some other members of the legislature, were lodging with Mr. Jefferson at Monticello. Tarleton, early in the morning, when within ten miles of that place, detached a company of horse to secure him and his guests, and proceeded himself rapidly with his main body to Charlottesville, where he hoped to find the legislature unapprized of his movement. Notice of it, however, had been brought, both to Monticello and Charlottesville, about sunrise. The Speakers, with their colleagues, returned to Charlottesville, and with the other members of the legislature, had barely time to get out of his way. Mr. Jefferson sent off his family to secure them from danger, and

was himself still at Monticello making arrangements for his own departure, when a Lieutenant Hudson arrived there at half speed, and informed him that the enemy were then ascending the hill of Monticello. He departed immediately, and knowing that he would be pursued if he took the high road, he plunged into the woods of the adjoining mountain, where being at once safe, he proceeded to overtake his family. This is the famous adventure of Carter's mountain, which has been so often resounded through the slanderous chronicles of federalism. But they have taken care never to detail the facts, lest these should show that this favorite charge amounted to nothing more than that he did not remain in his house, and there singly fight a whole troop of horse, or suffer himself to be taken prisoner. Having accompanied his family one day's journey, he returned to Monticello. Tarleton had retired after eighteen hours' stay in Charlottesville. Mr. Jefferson then rejoined his family, and proceeded with them to an estate he had in Bedford, about eighty miles southwest, where, riding on his farm some time after, he was thrown from his horse, and disabled from riding on horseback for a considerable time. But Mr. Turner finds it more convenient to give him this fall in his retreat before Tarleton, which had happened some weeks before, as a proof that he withdrew from a troop of horse with a precipitancy which Don Quixote would not have practiced.

The facts here stated most particularly, with date of time and place, are taken from the notes made by the writer hereof for his own satisfaction at the time. The others are from memory, but so well recollected that he is satisfied there is no material fact misstated. Should any person undertake to contradict any particular on evidence which may at all merit the public respect, the writer will take the trouble (though not at all in the best situation for it) to produce the proof in support of it. He finds, indeed, that of the persons whom he recollects to have been present on these occasions, few have survived the intermediate lapse of four and twenty years. Yet he trusts that some, as well as himself, are yet among the living; and he is positively certain that no man can falsify any material fact here stated. He well remembers, indeed, that there were then, as there are at all times, some who blamed everything done contrary to their own opinion, although their opinions were formed on a very partial knowledge of facts. The censures which have been heralded by such men as Wm. Turner, are nothing but revivals of these half-informed opinions. Mr. George Nicholas, then a very young man, but always a very honest one, was prompted by these persons to bring specific charges against Mr. Jefferson; the heads of these in writing were communicated through a mutual friend to Mr. Jefferson, who committed to writing also the heads of justification on

each of them. I well remember this paper, and believe the original of it still exists; and though framed when every real fact was fresh in the knowledge of every one, this fabricated flight from Richmond was not among the charges stated in this paper, nor any charge against Mr. Jefferson for not fighting singly the troop of horse. Mr. Nicholas candidly relinquished further proceeding. The House of Representatives of Virginia pronounced an honorable sentence of entire approbation of Mr. Jefferson's conduct, and so much the more honorable as themselves had been witness to it. And Mr. George Nicholas took a conspicuous occasion afterwards, of his own free will, and when the matter was entirely at rest, to retract publicly the erroneous opinions he had been led into on that occasion, and to make just reparation by a candid acknowledgment of them.

Instructions to the Ministers Plenipotentiary appointed to negotiate Treaties of Commerce with the European nations. May 7, 1784.

WHEREAS, instructions bearing date the 29th day of October, 1783, were sent to the Ministers Plenipotentiary of the United States of America at the Court of Versailles, empowered to negotiate a peace, or to any one or more of them, for concerting drafts or propositions for treaties of amity and commerce with the commercial powers of Europe:

Resolved, That it will be advantageous to these United States to conclude such treaties with Russia, the Court of Vienna, Prussia, Denmark, Saxony, Hamburg, Great Britain, Spain, Portugal, Genoa, Tuscany, Rome, Naples, Venice, Sardinia, and the Ottoman Porte.

Resolved, That in the formation of these treaties the following points be carefully stipulated:

1st. That each party shall have a right to carry their own produce, manufactures, and merchandise, in their own bottoms to the ports of the other, and thence the produce and merchandise of the other, paying, in both cases, such duties only as are paid by the most favored nation, freely, where it is freely granted to such nation, or paying the compensation where such nation does the same.

2. That with the nations holding territorial possessions in America, a direct and similar intercourse be admitted between the United States and such possessions; or if this cannot be obtained, then a direct and similar intercourse between the United States and certain free ports within such possessions; that if this neither can be obtained, permission be stipulated to bring from such possessions, in their own bottoms, the produce and merchandise thereof to their States directly; and for these States to carry in their own bottoms their produce and merchandise to such possessions directly.

3. That these United States be considered in all such treaties, and in every case arising under them,

as one nation, upon the principles of the federal constitution.

4. That it be proposed, though not indispensably required, that if war should hereafter arise between the two contracting parties, the merchants of either country, then residing in the other, shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects, without molestation or hindrance; and all fishermen, all cultivators of the earth, and all artisans or manufacturers, unarmed and inhabiting unfortified towns, villages or places, who labor for the common subsistence and benefit of mankind, and peaceably following their respective employments, shall be allowed to continue the same, and shall not be molested by the armed force of the enemy, in whose power, by the events of war, they may happen to fall; but if anything is necessary to be taken from them, for the use of such armed force, the same shall be paid for at a reasonable price; and all merchants and traders, exchanging the products of different places, and thereby rendering the necessaries, conveniences, and comforts of human life more easy to obtain and more general, shall be allowed to pass free and unmolested; and neither of the contracting powers shall grant or issue any commission to any private armed vessels empowering them to take or destroy such trading ships, or interrupt such commerce.

5. And in case either of the contracting parties

shall happen to be engaged in war with any other nation, it be further agreed, in order to prevent all the difficulties and misunderstandings that usually arise respecting the merchandise heretofore called contraband, such as arms, ammunition, and military stores of all kinds, that no such articles, carrying by the ships or subjects of one of the parties to the enemies of the other, shall, on any account, be deemed contraband, so as to induce confiscation, and a loss of property to individuals. Nevertheless, it shall be lawful to stop such ships and detain them for such length of time as the captors may think necessary, to prevent the inconvenience or damage that might ensue, from their proceeding on their voyage, paying, however, a reasonable compensation for the loss such arrest shall occasion to the proprietors; and it shall be further allowed to use in the service of the captors, the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But if the other contracting party will not consent to discontinue the confiscation of contraband goods, then that it be stipulated, that if the master of the vessel stopped, will deliver out the goods charged to be contraband, he shall be admitted to do it, and the vessel shall not in that case be carried into any port; but shall be allowed to proceed on her voyage.

6. That in the same case, when either of the con-

tracting parties shall happen to be engaged in war with any other power, all goods, not contraband, belonging to the subjects of that other power, and shipped in the bottoms of the party hereto, who is not engaged in the war, shall be entirely free. And that to ascertain what shall constitute the blockade of any place or port, it shall be understood to be in such predicament, when the assailing power shall have taken such a station as to expose to imminent danger any ship or ships, that would attempt to sail in or out of the said port; and that no vessel of the party, who is not engaged in the said war, shall be stopped without a material and well-grounded cause; and in such cases justice shall be done, and an indemnification given, without loss of time to the persons aggrieved, and thus stopped without sufficient cause.

7. That no right be stipulated for aliens to hold real property within these States, this being utterly inadmissible by their several laws and policy; but when on the death of any person holding real estate within the territories of one of the contracting parties, such real estate would by their laws descend on a subject or citizen of the other, were he not disqualified by alienage, then he shall be allowed a reasonable time to dispose of the same, and withdraw the proceeds without molestation.

8. That such treaties be made for a term not exceeding ten years from the exchange of ratification.

9. That these instructions be considered as sup-

plementary to those of October 29th, 1783; and not as revoking, except when they contradict them. That where in treaty with a particular nation they can procure particular advantages, to the specification of which we have been unable to descend, our object in these instructions having been to form outlines only and general principles of treaty with many nations, it is our expectation they will procure them, though not pointed out in these instructions; and where they may be able to form treaties on principles which, in their judgment, will be more beneficial to the United States than those herein directed to be made their basis, they are permitted to adopt such principles. That as to the duration of treaties, though we have proposed to restrain them to the term of ten years, yet they are at liberty to extend the same as far as fifteen years with any nation which may pertinaciously insist thereon. And that it will be agreeable to us to have supplementary treaties with France, the United Netherlands and Sweden, which may bring the treaties we have entered into with them as nearly as may be to the principles of those now directed; but that this be not pressed, if the proposal should be found disagreeable.

Resolved, That treaties of amity, or of amity and commerce, be entered into with Morocco, and the Regencies of Algiers, Tunis, and Tripoli, to continue for the same term of ten years, or for a term as much longer as can be procured.

That our Ministers, to be commissioned for treating with foreign nations, make known to the Emperor of Morocco the great satisfaction which Congress feel from the amicable disposition he has shown towards these States, and his readiness to enter into alliance with them. That the occupations of the war, and distance of our situation have prevented our meeting his friendship so early as we wished. But the powers are now delegated to them for entering into treaty with him, in the execution of which they are ready to proceed, and that as to the expenses of his Minister, they do therein what is for the honor and interest of the United States.

Resolved, That a commission be issued to Mr. J. Adams, Mr. B. Franklin, and Mr. T. Jefferson, giving powers to them, or the greater part of them, to make and receive propositions for such treaties of amity and commerce, and to negotiate and sign the same, transmitting them to Congress for their final ratification; and that such commission be in force for a term not exceeding two years.

Report of a Conference with the Count de Vergennes on the subject of the Commerce of the United States with France.[1]

The next levee day at Versailles, I meant to bring again under the view of the Count de Vergennes, the whole subject of our commerce with France; but the number of audiences of ambassadors and other ministers, which take place, of course, before mine, and which seldom, indeed, leave me an opportunity of audience at all, prevented me that day. I was only able to ask the Count de Vergennes, as a particular favor, that he would permit me to wait on him some day that week. He did so, and I went to Versailles the Friday following, (the 9th of December). M. de Reyneval was with

[1] TO JOHN JAY.

PARIS, January 2d, 1786.

SIR,—Several conferences and letters having passed between the Count de Vergennes and myself, on the subject of the commerce of this country with the United States, I think them sufficiently interesting to be communicated to Congress. They are stated in the form of a report, and are herein enclosed. The length of this despatch, perhaps, needs apology. Yet I have not been able to abridge it, without omitting circumstances which I thought Congress would rather choose to know. Some of the objects of these conferences present but small hopes for the present, but they seem to admit a possibility of success at some future moment.

* * * * * * * * *

I am, Sir, your most obedient and most humble servant.

The above extract from the report referred to in the preceding letter embraces everything interesting therein, not communicated to the reader in the previous correspondence.

the Count. Our conversation began with the usual topic; that the trade of the United States had not yet learned the way to France, but continued to centre in England, though no longer obliged by law to go there. I observed, that the real cause of this was to be found in the difference of the commercial arrangements in the two countries; that merchants would not, and could not trade but where there was to be some gain; that the commerce between two countries could not be kept up, but by an exchange of commodities; that, if an American merchant was forced to carry his produce to London, it could not be expected he would make a voyage from thence to France, with the money, to lay it out here; and, in like manner, that if he could bring his commodities, with advantage, to this country, he would not make another voyage to England, with the money, to lay it out there, but would take in exchange the merchandise of this country. The Count de Vergennes agreed to this, and particularly that where there was no exchange of merchandise, there could be no durable commerce; and that it was natural for merchants to take their returns in the port where they sold their cargo. I desired his permission, then, to take a summary view of the productions of the United States, that we might see which of them could be brought here to advantage.

1. Rice. France gets from the Mediterranean a rice not so good indeed, but cheaper than ours. He said that they bought of our rice, but that they

got from Egypt also, rice of a very fine quality. I observed that such was the actual state of their commerce, in that article, that they take little from us. 2. Indigo. They make a plenty in their own colonies. He observed that they did, and that they thought it better than ours. 3. Flour, fish, and provisions of all sorts, they produce for themselves. That these articles might, therefore, be considered as not existing, for commerce, between the United States and the kingdom of France.

I proceeded to those capable of becoming objects of exchange between the two nations. 1. Peltry and furs. Our posts being in the hands of the English, we are cut off from that article. I am not sure even, whether we are not obliged to buy of them, for our own use. When these posts are given up, if ever they are, we shall be able to furnish France with skins and furs, to the amount of two millions of livres, in exchange for her merchandise; but at present, these articles are to be counted as nothing. 2. Potash. An experiment is making whether this can be brought here. We hope it may, but at present it stands for nothing. He observed that it was much wanted in France, and he thought it would succeed. 3. Naval stores. Trials are also making on these, as subjects of commerce with France. They are heavy, and the voyage long. The result, therefore, is doubtful. At present, they are as nothing in our commerce with this country. 4. Whale oil. I told him I had great hopes that the

late diminution of duty would enable us to bring this article, with advantage, to France; that a merchant was just arrived (Mr. Barrett) who proposed to settle at L'Orient, for the purpose of selling the cargoes of this article, and choosing the returns. That he had informed me, that in the first year, it would be necessary to take one-third in money, and the remainder only in merchandise; because the fishermen require, indispensably, some money. But he thought that after the first year, the merchandise of the preceding year, would always produce money for the ensuing one, and that the whole amount would continue to be taken annually afterwards, in merchandise. I added, that though the diminution of duty was expressed to be but for one year, yet I hoped they would find their advantage in renewing and continuing it; for that if they intended really to admit it for one year only, the fishermen would not find it worth while to rebuild their vessels, and to prepare themselves for the business. The Count expressed satisfaction on the view of commercial exchange held up by this article. He made no answer as to the continuance of it; and I did not choose to tell him, at that time, that we should claim its continuance under their treaty with the Hanseatic towns, which fixes this duty for them, and our own treaty, which gives us the rights of the most favored nation. 5. Tobacco. I recalled to the memory of the Count de Vergennes, the letter I had written to him on

this article; and the object of the present conversation being, how to facilitate the exchange of commerciable articles between the two countries, I pressed that of tobacco, in this point of view; observed that France, at present, paid us two millions of livres for this article; that for such portions of it as were bought in London, they sent the money directly there, and for what they bought in the United States, the money was still remitted to London, by bills of exchange; whereas, if they would permit our merchants to sell this article freely, they would bring it here, and take the returns on the spot, in merchandise, not money. The Count observed, that my proposition contained what was doubtless useful, but that the King received on this article, at present, a revenue of twenty-eight millions, which was so considerable, as to render them fearful of tampering with it; that the collection of this revenue by way of Farm, was of very ancient date, and that it was always hazardous to alter arrangements of long standing, and of such infinite combinations with the fiscal system. I answered, that the simplicity of the mode of collection proposed for this article, withdrew it from all fear of deranging other parts of their system; that I supposed they would confine the importation to some of their principal ports, probably not more than five or six; that a single collector in each of these, was the only new officer requisite; that he could get rich himself on six livres a hogshead,

and would receive the whole revenue, and pay it into the treasury, at short hand. M. de Reyneval entered particularly into this part of the conversation, and explained to the Count, more in detail, the advantages and simplicity of it, and concluded by observing to me, that it sometimes happened that useful propositions, though not practicable at one time, might become so at another. I told him that that consideration had induced me to press the matter when I did, because I had understood the renewal of the Farm was then on the carpet, and that it was the precise moment when I supposed that this portion might be detached from the mass of the Farms. I asked Count de Vergennes whether, if the renewal of the Farm was pressing, this article might not be separated, merely in suspense, till government should have time to satisfy themselves on the expediency of renewing it. He said no promises could be made.

In the course of this conversation, he had mentioned the liberty we enjoyed of carrying our fish to the French islands. I repeated to him what I had hinted in my letter, of November the 20th, 1785, that I considered as a prohibition the laying such duties on our fish, and giving such premiums on theirs, as made a difference between their and our fishermen of fifteen livres the quintal, in an article which sold for but fifteen livres. He said it would not have that effect, for two reasons: 1. That their fishermen could not furnish supplies sufficient for

their islands, and, of course, the inhabitants must, of necessity, buy our fish. 2. That from the constancy of our fishery, and the short season during which theirs continued, and also from the economy and management of ours, compared with the expense of theirs, we had always been able to sell our fish, in their islands, at twenty-five livres the quintal, while they were obliged to ask thirty-six livres. (I suppose he meant the livre of the French islands.) That thus, the duty and premium had been a necessary operation on their side, to place the sale of their fish on a level with ours, and that without this, theirs could not bear the competition.

I have here brought together the substance of what was said on the preceding subjects, not pretending to give it verbatim, which my memory does not enable me to do. I have, probably, omitted many things which were spoken, but have mentioned nothing which was not. It was interrupted, at times, with collateral matters. One of these was important. The Count de Vergennes complained, and with a good deal of stress, that they did not find a sufficient dependence on arrangements taken with us. This was the third time too, he had done it; first, in a conversation at Fontainebleau, when he first complained to me of the navigation acts of Massachusetts and New Hampshire; secondly, in his letter of October the 30th, 1785, on the same subject; and now, in the present conversation, wherein he added, as another instance, the case of the Che-

valier de Mezieres, heir of General Oglethorpe, who, notwithstanding that the 11th article of the treaty provides, that the subjects or citizens of either party shall succeed, *ab intestato*, to the lands of their ancestors, within the dominions of the other, had been informed from Mr. Adams, and by me also, that his right of succession to the General's estate in Georgia was doubtful. He observed too, that the administration of justice with us was tardy, insomuch that their merchants, when they had money due to them within our States, considered it as desperate; and that our commercial regulations, in general, were disgusting to them. These ideas were new, serious and delicate. I decided, therefore, not to enter into them at that moment, and the rather, as we were speaking in French, in which language I did not choose to hazard myself. I withdrew from the objections of the tardiness of justice with us, and the disagreeableness of our commercial regulations, by a general observation, that I was not sensible they were well founded. With respect to the case of the Chevalier de Mezieres, I was obliged to enter into some explanations. They related chiefly to the legal operation of our Declaration of Independence, to the undecided question whether our citizens and British subjects were thereby made aliens to one another, to the general laws as to conveyances of land to aliens, and the doubt whether an act of the Assembly of Georgia might not have been passed, to confiscate General Oglethorpe's property, which

would of course prevent its devolution on any heir. Mr. Reyneval observed, that in this case, it became a mere question of fact, whether a confiscation of these lands had taken place before the death of General Oglethorpe, which fact might be easily known by inquiries in Georgia, where the possessions lay. I thought it very material, that the opinion of this court should be set to rights on these points. On my return, therefore, I wrote the following observations on them, which, the next time I went to Versailles, (not having an opportunity of speaking to the Count de Vergennes,) I put into the hands of M. Reyneval, praying him to read them, and to ask the favor of the Count to do the same.

Explanations on some of the subjects of conversation which I had the honor of having with his Excellency, the Count de Vergennes, when I was last at Versailles.

The principal design of that conversation was, to discuss those articles of commerce which the United States could spare, which are wanted in France, and if received there on a convenient footing, would be exchanged for the productions of France. But in the course of the conversation, some circumstances were incidentally mentioned by the Count de Vergennes, which induced me to suppose he had received impressions, neither favorable to us, nor derived from perfect information.

The case of the Chevalier de Mezieres was supposed to furnish an instance of our disregard to

treaties; and the event of that case was inferred from opinions supposed to have been given by Mr. Adams and myself. This is ascribing a weight to our opinions, to which they are not entitled. They will have no influence on the decision of the case. The judges in our courts, would not suffer them to be read. Their guide is the law of the land, of which law its treaties make a part. Indeed, I know not what opinion Mr. Adams may have given on the case. And, if any be imputed to him derogatory of our regard to the treaty with France, I think his opinion has been misunderstood. With respect to myself, the doubts which I expressed to the Chevalier de Mezieres, as to the success of his claims, were not founded on any question whether the treaty between France and the United States would be observed. On the contrary, I venture to pronounce that it will be religiously observed, if his case comes under it. But I doubted whether it would come under the treaty. The case, as I understand it, is this: General Oglethorpe, a British subject, had lands in Georgia. He died since the peace, having devised these lands to his wife. His heirs are the Chevalier de Mezieres, son of his elder sister, and the Marquis de Bellegarde, son of his younger sister. This case gives rise to legal questions, some of which have not yet been decided, either in England or America, the laws of which countries are nearly the same.

1. It is a question under the laws of those countries, whether persons *born before their separation*,

and once completely invested, in both, with the character of natural subjects, can ever become aliens in either? There are respectable opinions on both sides. If the negative be right, then General Oglethorpe having never become an alien, and having devised his lands to his wife, who, on this supposition, also, was not an alien, the devise has transferred the lands to her, and there is nothing left for the treaty to operate on.

2. If the affirmative opinion be right, and the inhabitants of Great Britain and America, *born before the Revolution*, are become aliens to each other, it follows by the laws of both, that the lands which either possessed, within the jurisdiction of the other, became the property of the State in which they are. But a question arises, whether the transfer of the property took place on the Declaration of Independence, or not till an office, or an act of Assembly, had declared the transfer. If the property passed to the State on the Declaration of Independence, then it did not remain in General Oglethorpe, and, of course, at the time of his death, he having nothing, there was nothing to pass to his heirs, and so, nothing for the treaty to operate on.

3. If the property does not pass till declared by an office found by jury, or an act passed by the Assembly, the question then is, whether an office had been found, or an act of Assembly been passed for that purpose, before the peace? If there was, the lands had passed to the State during his life, and

nothing being left in him, there is nothing for his heirs to claim under the treaty.

4. If the property had not been transferred to the State before the peace, either by the Declaration of Independence, or an office, or an act of Assembly, then it remained in General Oglethorpe at the epoch of the peace; and it will be insisted, no doubt, that, by the sixth article of the treaty of peace, between the United States and Great Britain, which forbids future confiscations, General Oglethorpe acquired a capacity of holding and of conveying his lands. He has conveyed them to his wife. But she being an alien, it will be decided by the laws of the land, whether she took them for her own use, or for the use of the State. For it is a general principle of our law, that conveyances to aliens pass the lands to the State; and it may be urged, that though, by the treaty of peace, General Oglethorpe could convey, yet that treaty did not mean to give him a greater privilege of conveyance than natives hold, to wit: a privilege of transferring the property to persons incapable, by law, of taking it. However, this would be a question between the State of Georgia and the widow of General Oglethorpe, in the decision of which the Chevalier de Mezieres is not interested, because, whether she takes the land by the will, for her own use, or for that of the State, it is equally prevented from descending to him: there is neither a conveyance to him, nor a succession *ab intestato* devolving on him, which are the cases provided for

by our treaty with France. To sum up the matter in a few words; if the lands had passed to the State before the epoch of peace, the heirs of General Oglethorpe cannot say they have descended on them, and if they remained in the General at that epoch, the treaty saving them to him, he could convey them away from his heirs, and he has conveyed them to his widow, either for her own use, or for that of the State.

Seeing no event in which, according to the facts stated to me, the treaty could be applied to this case, or could give any right whatever, to the heirs of General Oglethorpe, I advised the Chevalier de Mezieres not to urge his pretensions on the footing of right, nor under the treaty, but to petition the Assembly of Georgia for a grant of these lands. If, in the question between the State and the widow of General Oglethorpe, it should be decided that they were the property of the State, I expected from their generosity, and the friendly disposition in America towards the subjects of France, that they would be favorable to the Chevalier de Mezieres. There is nothing in the preceding observations which would not have applied against the heir of General Oglethorpe, had he been a native citizen of Georgia, as it now applies against him, being a subject of France. The treaty has placed the subjects of France on a footing with natives, as to conveyances and descent of property. There was no occasion for the Assemblies to pass laws on this subject; the treaty being a law, as I conceive, superior to those of particular

Assemblies, and repealing them, when they stand in the way of its operations.

The supposition that the treaty was disregarded on our part, in the instance of the acts of Assembly of Massachusetts and New Hampshire, which made a distinction between natives and foreigners, as to the duties to be paid on commerce, was taken notice of in the letter of November the 20th, which I had the honor of addressing to the Count de Vergennes. And while I express my hopes that, on a revision of these subjects, nothing will be found in them derogatory from either the letter or spirit of our treaty, I will add assurances that the United States will not be behindhand in going beyond both, whenever occasions shall offer of manifesting their sincere attachment to this country.

I will pass on to the observation, that our commercial regulations are difficult, and repugnant to the French merchants. To detail these regulations minutely, as they exist in every State, would be beyond my information. A general view of them, however, will suffice, because the States differ little in their several regulations. On the arrival of a ship in America, her cargo must be reported at the proper office. The duties on it are to be paid. These are commonly from two and a half to five per cent. on its value. On many articles, the value of which is tolerably uniform, the precise sum is fixed by law. A tariff of these is presented to the importer, and he can see what he has to pay, as well

as the officer. For other articles, the duty is such a per cent. on their value. That value is either shown by the invoice, or by the oath of the importer. This operation being once over, and it is a very short one, the goods are considered as entered, and may then pass through the whole thirteen States without their being ever more subject to a question, unless they be reshipped. Exportation is still more simple; because, as we prohibit the exportation of nothing, and very rarely lay a duty on any article of export, the State is little interested in examining outward-bound vessels. The captain asks a clearance for his own purposes. As to the operations of internal commerce, such as matters of exchange, of buying, selling, bartering, etc., our laws are the same as the English. If they have been altered in any instance, it has been to render them more simple.

Lastly, as to the tardiness of the administration of justice with us, it would be equally tedious and impracticable for me to give a precise account of it in every State. But I think it probable that it is much on the same footing through all the States, and that an account of it in any one of them may found a general presumption of it in the others. Being best acquainted with its administration in Virginia, I shall confine myself to that. Before the Revolution, a judgment could not be obtained under eight years in the Supreme Court, where the suit was in the department of the common law, which department embraces about nine-tenths of the subject of

legal contestation. In that of the chancery, from twelve to twenty years were requisite. This did not proceed from any vice in the laws, but from the indolence of the judges appointed by the King; and these judges holding their office during his will only, he could have reformed the evil at any time. This reformation was among the first works of the legislature after our independence. A judgment can now be obtained in the Supreme Court in one year at the common law, and in about three years in the chancery. But more particularly to protect the commerce of France, which, at that moment, was considerable with us, a law was passed, giving all suits wherein a foreigner was a party, a privilege to be tried immediately, on the return of his process, without waiting till those of natives, which stand before them, shall have been decided on. Out of this act, however, the British stand excluded by a subsequent one. This, with its causes, must be explained. The British army, after ravaging the State of Virginia, had sent off a very great number of slaves to New York. By the seventh article of the treaty of peace, they stipulated not to carry away any of these. Notwithstanding this, it was known, when they were evacuating New York, that they were carrying away the slaves. General Washington made an official demand of Sir Guy Carleton, that he should cease to send them away. He answered, that these people had come to them under promise of the King's protection, and that that

promise should be fulfilled in preference to the stipulation in the treaty. The State of Virginia, to which nearly the whole of these slaves belonged, passed a law to forbid the recovery of debts due to British subjects. They declared, at the same time, they would repeal the law, if Congress were of opinion they ought to do it. But, desirous that their citizens should be discharging their debts, they afterwards permitted British creditors to prosecute their suits, and to receive their debts in seven equal and annual payments; relying that the demand for the slaves would be either admitted or denied in time to lay their hands on some of the latter payments for reimbursement. The immensity of this debt was another reason for forbidding such a mass of property to be offered for sale under execution at once, as, from the small quantity of circulating money, it must have sold for little or nothing, whereby the creditor would have failed to receive his money, and the debtor would have lost his whole estate without being discharged of his debt. This is the history of the delay of justice in that country in the case of British creditors. As to all others, its administration is as speedy as justice itself will admit. I presume it is equally so in all the other States, and can add, that it is administered in them all, with a purity and integrity of which few counties afford an example.

I cannot take leave altogether of the subjects of this conversation without recalling the attention of the Count de Vergennes to what had been its prin-

cipal drift. This was to endeavor to bring about a direct exchange between France and the United States (without the intervention of a third nation), of those productions with which each could furnish the other. We can furnish to France (because we have heretofore furnished to England), of whale oil and spermaceti, of furs and peltry, of ships and naval stores, and of potash, to the amount of fifteen millions of livres; and the quantities will admit of increase. Of our tobacco, France consumes the value of ten millions more. Twenty-five millions of livres, then, mark the extent of that commerce of exchange, which is, at present, practicable between us. We want, in return, productions and manufactures, not money. If the duties on our produce are light, and the sale free, we shall undoubtedly bring it here, and lay out the proceeds on the spot in the productions and manufactures which we want. The merchants of France will, on their part, become active in the same business. We shall no more think, when we shall have sold our produce here, of making an useless voyage to another country to lay out the money, than we think at present, when we have sold it elsewhere, of coming here to lay out the money. The conclusion is, that there are commodities which form a basis of exchange to the extent of a million of guineas annually; it is for the wisdom of those in power to contrive that the exchange shall be made.

Having put this paper into the hands of Monsieur

Reyneval, we entered into conversation again, on the subject of the Farms, which were now understood to be approaching to a conclusion. He told me, that he was decidedly of opinion, that the interest of the State required the Farm of tobacco to be discontinued, and that he had, accordingly, given every aid to my proposition, which lay within his sphere; that the Count de Vergennes was very clearly of the same opinion, and had supported it strongly with reasons of his own, when he transmitted it to the Comptroller General; but that the Comptroller, in the discussions of this subject which had taken place, besides the objections which the Count de Vergennes had repeated to me, and which are before mentioned, had added, that the contract with the Farmers General was now so far advanced, that the article of tobacco could not be withdrawn from it, without unravelling the whole transaction. Having understood that, in this contract, there was always reserved to the crown a right to discontinue it at any moment, making just reimbursements to the Farmers, I asked M. Reyneval, if the contract should be concluded in its present form, whether it might still be practicable to have it discontinued, as to the article of tobacco, at some future moment. He said it might be possible.

Upon the whole, the true obstacle to this proposition has penetrated, in various ways, through the veil which covers it. The influence of the Farmers General has been heretofore found sufficient to

shake a minister in his office. Monsieur de Calonnes' continuance or dismission, has been thought, for some time, to be on a poise. Were he to shift this great weight, therefore, out of his own scale into that of his adversaries, it would decide their preponderance. The joint interests of France and America would be insufficient counterpoise in his favor.

It will be observed that these efforts to improve the commerce of the United States, have been confined to that branch only which respects France itself, and that nothing passed on the subject of our commerce with the West Indies, except an incidental conversation as to our fish. The reason of this, was no want of a due sense of its importance. Of that, I am thoroughly sensible. But efforts in favor of this branch would, at present, be desperate. To nations with which we have not yet treated, and who have possessions in America, we may offer a free vent of their manufactures in the United States, for a full or modified admittance into those possessions. But to France, we are obliged to give that freedom for a different compensation; to wit, for her aid in effecting our independence. It is difficult, therefore, to say what we have now to offer her, for an admission into her West Indies. Doubtless, it has its price. But the question is, what this would be, and whether worth our while to give it. Were we to propose to give to each other's citizens all the rights of natives, they would, of course, count what they should gain by

this enlargement of right, and examine whether it would be worth to them as much as their monopoly of their West India commerce. If not, that commercial freedom which we wish to preserve, and which, indeed, is so valuable, leaves us little to offer. An expression in my letter to the Count de Vergennes, of November the 20th, wherein I hinted that both nations might, perhaps, come into the opinion, that the condition of *natives* might be a better ground of intercourse for their citizens, than that of the *most favored* nation, was intended to furnish an opportunity to the minister of parleying on that subject, if he was so disposed, and to myself, of seeing whereabouts they would begin, that I might communicate it to Congress, and leave them to judge of the expediency of pursuing the subject. But no overtures have followed; for I have no right to consider as coming from the minister, certain questions which were, very soon after, proposed to me by an individual. It sufficiently accounts for these questions, that that individual had written a memorial on the subject, for the consideration of the minister, and might wish to know what we would be willing to do. The idea that I should answer such questions to him, is equally unaccountable, whether we suppose them originating with himself, or coming from the minister. In fact, I must suppose them to be his own; and I transmit them, only that Congress may see what one Frenchman, at least, thinks on the subject.

If we can obtain from Great Britain reasonable conditions of commerce, (which, in my idea, must forever include an admission into her islands), the freest ground between these two nations would seem to be the best. But if we can obtain no equal terms from her, perhaps Congress might think it prudent, as Holland has done, to connect us unequivocally with France. Holland has purchased the protection of France. The price she pays, is *aid in time of war*. It is interesting for us to purchase a free commerce with the French islands. But whether it is best to pay for it, by *aids in war, or by privileges in commerce, or not to purchase it at all*, is the question.

Answers by Mr. Jefferson, to Questions addressed to him by Monsieur de Meusnier, author of that part of the Encyclopédie Méthodique, entitled Economie Politique et Diplomatique.

1. What has led Congress to determine, that the concurrence of seven votes is requisite in questions which, by the Confederation, are submitted to the decision of a majority of the United States, in Congress assembled?

The ninth article of Confederation, section six, evidently establishes three orders of questions in Congress. 1. The greater ones, which relate to making peace or war, alliances, coinage, requisitions for money, raising military force, or appointing its commander-in-chief. 2. The lesser ones, which

comprehend all other matters submitted by the Confederation to the federal head. 3. The single question of adjourning from day to day. This gradation of questions is distinctly characterized by the article.

In proportion to the magnitude of these questions, a greater concurrence of the voices composing the Union was thought necessary. Three degrees of concurrence, well distinguished by substantial circumstances, offered themselves to notice. 1. A concurrence of a *majority of the people* of the Union. It was thought that this would be insured, by requiring the voices of nine States; because, according to the loose estimates which had been made of the inhabitants, and the proportion of them which were free, it was believed that even the nine smallest would include a majority of the free citizens of the Union. The voices, therefore, of nine States were required in the greater questions. 2. A concurrence of the *majority of the States*. Seven constitute that majority. This number, therefore, was required in the lesser questions. 3. A concurrence of the *majority of Congress*, that is to say, of the States actually present in it. As there is no Congress, when there are not seven States present, this concurrence could never be of less than four States. But these might happen to be the four smallest, which would not include one-ninth part of the free citizens of the Union. This kind of majority, therefore, was entrusted

with nothing but the power of adjourning themselves from day to day.

Here then are three kind of majorities. 1. Of the people. 2. Of the States. 3. Of the Congress: each of which is entrusted to a certain length.

Though the paragraph in question be clumsily expressed, yet it strictly announces its own intentions. It defines with precision, the *greater* questions, for which nine votes shall be requisite. In the *lesser* questions, it then requires a *majority of the United States in Congress assembled:* a term which will apply either to the number seven, as being a *majority of the States*, or to the number four as being a *majority of Congress*. Which of the two kinds of majority, was meant? Clearly, that which would leave a still smaller kind, for the decision of the question of adjournment. The contrary construction would be absurd.

This paragraph, therefore, should be understood, as if it had been expressed in the following terms: "The United States, in Congress assembled, shall never engage in war, etc., but with the consent of nine States: nor determine any other question, but with the consent of a majority of the whole States, except the question of adjournment from day to day, which may be determined by a majority of the States actually present in Congress."

2. How far is it permitted, to bring on the reconsideration of a question which Congress has once determined?

The first Congress which met, being composed mostly of persons who had been members of the legislatures of their respective States, it was natural for them to adopt those rules in their proceedings, to which they had been accustomed in their legislative Houses; and the more so, as these happened to be nearly the same, as having been copied from the same original, those of the British Parliament. One of those rules of proceeding was, that "a question once determined, cannot be proposed, a second time, in the same session." Congress, during their first session, in the autumn of 1774, observed this rule strictly. But before their meeting in the spring of the following year, the war had broken out. They found themselves at the head of that war, in an executive as well as legislative capacity. They found that a rule, wise and necessary for a legislative body, did not suit an executive one, which, being governed by events, must change their purposes as those change. Besides, their session was then to become of equal duration with the war; and a rule, which should render their legislation immutable, during all that period, could not be submitted to. They, therefore, renounced it in practice, and have ever since continued to reconsider their questions freely. The only restraint as yet provided against the abuse of this permission to reconsider, is, that when a question has been decided, it cannot be proposed for reconsideration, but by some one who voted

in favor of the former decision, and declares that he has since changed his opinion. I do not recollect accurately enough, whether it be necessary that his vote should have decided that of his State, and the vote of his State have decided that of Congress.

Perhaps it might have been better, when they were forming the federal Constitution, to have assimilated it, as much as possible, to the particular Constitutions of the States. All of these have distributed the legislative, executive and judiciary powers, into different departments. In the federal Constitution, the judiciary powers are separated from the others; but the legislative and executive are both exercised by Congress. A means of amending this defect has been thought of. Congress having a power to establish what committees of their own body they please, and to arrange among them the distribution of their business, they might, on the first day of their annual meeting, appoint an executive committee, consisting of a member from each State, and refer to them all executive business which should occur during their session; confining themselves to what is of a legislative nature, that is to say, to the heads described in the ninth article, as of the competence of nine States only, and to such other questions as should lead to the establishment of general rules. The journal of this committee, of the preceding day, might be read the next morning in Congress, and considered as approved, unless a vote was demanded on a

particular article, and that article changed. The sessions of Congress would then be short, and when they separated, the Confederation authorizes the appointment of a committee of the States, which would naturally succeed to the business of the executive committee. The legislative business would be better done, because the attention of the members would not be interrupted by the details of execution; and the executive business would be better done, because, business of this nature is better adapted to small, than great bodies. A monarchical head should confide the execution of its will to departments, consisting, each, of a plurality of hands, who would warp that will, as much as possible, towards wisdom and moderation, the two qualities it generally wants. But, a republican head, founding its decrees, originally, in these two qualities, should commit them to a single hand for execution, giving them, thereby, a promptitude which republican proceedings generally want. Congress could not, indeed, confide their executive business to a smaller number than a committee consisting of a member from each State. This is necessary to insure the confidence of the Union. But it would be gaining a great deal, to reduce the executive head to thirteen, and to relieve themselves of those details. This, however, has as yet been the subject of private conversations only.

3. A succinct account of paper money in America? Previous to the Revolution, most of the States

were in the habit, whenever they had occasion for more money than could be raised immediately by taxes, to issue paper notes or bills, in the name of the State, wherein they promised to pay to the bearer the sum named in the note or bill. In some of the States no time of payment was fixed, nor tax laid to enable payment. In these, the bills depreciated. But others of the States named in the bill the day when it should be paid, laid taxes to bring in money enough for that purpose, and paid the bills punctually, on or before the day named. In these States, paper money was in as high estimation as gold and silver. On the commencement of the late Revolution, Congress had no money. The external commerce of the States being suppressed, the farmer could not sell his produce, and, of course, could not pay a tax. Congress had no resource then but in paper money. Not being able to lay a tax for its redemption, they could only promise that taxes should be laid for that purpose, so as to redeem the bills by a certain day. They did not foresee the long continuance of the war, the almost total suppression of their exports, and other events, which rendered the performance of their engagement impossible. The paper money continued for a twelvemonth equal to gold and silver. But the quantities which they were obliged to emit for the purpose of the war, exceeded what had been the usual quantity of the circulating medium. It began, therefore, to be-

come cheaper, or, as we expressed it, it depreciated, as gold and silver would have done, had they been thrown into circulation in equal quantities. But not having, like them, an intrinsic value, its depreciation was more rapid and greater than could ever have happened with them. In two years, it had fallen to two dollars of paper money for one of silver; in three years, to four for one; in nine months more, it fell to ten for one; and in the six months following, that is to say, by September, 1779, it had fallen to twenty for one.

Congress, alarmed at the consequences which were to be apprehended, should they lose this resource altogether, thought it necessary to make a vigorous effort to stop its further depreciation. They therefore determined, in the first place, that their emissions should not exceed two hundred millions of dollars, to which term they were then nearly arrived; and though they knew that twenty dollars of what they were then issuing, would buy no more for their army than one silver dollar would buy, yet they thought it would be worth while to submit to the sacrifice of nineteen out of twenty dollars, if they could thereby stop further depreciation. They, therefore, published an address to their constituents, in which they renewed their original declarations, that this paper money should be redeemed at dollar for dollar. They proved the ability of the States to do this, and that their liberty would be cheaply bought at that price. The

declaration was ineffectual. No man received the money at a better rate; on the contrary, in six months more, that is, by March, 1780, it had fallen to forty for one. Congress then tried an experiment of a different kind. Considering their former offers to redeem this money at par, as relinquished by the general refusal to take it, but in progressive depreciation, they required the whole to be brought in, declared it should be redeemed at its present value, of forty for one, and that they would give to the holders new bills, reduced in their denomination to the sum of gold or silver, which was actually to be paid for them. This would reduce the nominal sum of the mass in circulation to the present worth of that mass, which was five millions; a sum not too great for the circulation of the States, and which, they therefore hoped, would not depreciate further, as they continued firm in their purpose of emitting no more. This effort was as unavailing as the former. Very little of the money was brought in. It continued to circulate and to depreciate, till the end of 1780, when it had fallen to seventy-five for one, and the money circulated from the French army, being, by that time, sensible in all the States north of the Potomac, the paper ceased its circulation altogether in those States. In Virginia and North Carolina it continued a year longer, within which time it fell to one thousand for one, and then expired, as it had done in the other States, without a single groan. Not a murmur was heard on this

occasion, among the people. On the contrary, universal congratulations took place on their seeing this gigantic mass, whose dissolution had threatened convulsions which should shake their infant confederacy to its centre, quietly interred in its grave. Foreigners, indeed, who do not, like the natives, feel indulgence for its memory, as of a being which has vindicated their liberties, and fallen in the moment of victory, have been loud, and still are loud in their complaints. A few of them have reason; but the most noisy are not the best of them. They are persons who have become bankrupt by unskilful attempts at commerce with America. That they may have some pretext to offer to their creditors, they have bought up great masses of this dead money in America, where it is to be had at five thousand for one, and they show the certificates of their paper possessions, as if they had all died in their hands, and had been the cause of their bankruptcy. Justice will be done to all, by paying to all persons what this money actually cost them, with an interest of six per cent. from the time they received it. If difficulties present themselves in the ascertaining the epoch of the receipt, it has been thought better that the State should lose, by admitting easy proofs, than that individuals, and especially foreigners, should, by being held to such as would be difficult, perhaps impossible.

4. Virginia certainly owed two millions sterling to Great Britain at the conclusion of the war. Some

have conjectured the debt as high as three millions. I think that State owed near as much as all the rest put together. This is to be ascribed to peculiarities in the tobacco trade. The advantages made by the British merchants, on the tobaccos consigned to them, were so enormous, that they spared no means of increasing those consignments. A powerful engine for this purpose, was the giving good prices and credit to the planter, till they got him more immersed in debt than he could pay, without selling his lands or slaves. They then reduced the prices given for his tobacco, so that let his shipments be ever so great, and his demand of necessaries ever so economical, they never permitted him to clear off his debt. These debts had become hereditary from father to son, for many generations, so that the planters were a species of property, annexed to certain mercantile houses in London.

5. The members of Congress are differently paid by different States. Some are on fixed allowances, from four to eight dollars a day. Others have their expenses paid, and a surplus for their time. This surplus is of two, three, or four dollars a day.

6. I do not believe there has ever been a moment, when a single Whig, in any one State, would not have shuddered at the very idea of a separation of their State from the confederacy. The Tories would, at all times, have been glad to see the confederacy dissolved, even by particles at a time,

in hopes of their attaching themselves again to Great Britain.

7. The 11th article of Confederation admits Canada to accede to the Confederation at its own will, but adds, "no other colony shall be admitted to the same, unless such admission be agreed to by nine States." When the plan of April, 1784, for establishing new States was on the carpet, the committee who framed the report of that plan, had inserted this clause, "provided nine States agree to such admission, according to the reservation of the 11th of the articles of Confederation." It was objected, 1. That the words of the confederation, "no other colony," could refer only to the residuary possessions of Great Britain, as the two Floridas, Nova Scotia, etc., not being already parts of the Union; that the law for "admitting" a new member into the Union, could not be applied to a territory which was already in the Union, as making part of a State which was a member of it. 2. That it would be improper to allow "nine" States to receive a new member, because the same reasons which rendered that number proper now, would render a greater one proper, when the number composing the Union should be increased. They therefore struck out this paragraph and inserted a proviso, that "the consent of so many States, in Congress, shall be first obtained, as may, at the time, be competent;" thus leaving the question, whether the 11th article applies to the admission of new States, to be

decided when that admission shall be asked. See the Journal of Congress of April 20, 1784. Another doubt was started in this debate, viz.: whether the agreement of the nine States, required by the Confederation, was to be made by their legislatures, or by their delegates in Congress? The expression adopted, viz.: "so many States, in Congress, is first obtained," show what was their sense of this matter. If it be agreed that the 11th article of the Confederation is not to be applied to the admission of these new States, then it is contended that their admission comes within the 13th article, which forbids "any alteration, unless agreed to in a Congress of the United States, and afterwards confirmed by the legislatures of every State." The independence of the new States of Kentucky and Franklin, will soon bring on the ultimate decision of all these questions.

8. Particular instances whereby the General Assembly of Virginia have shown that they considered the ordinance called their Constitution, as every other ordinance, or act of the legislature, subject to be altered by the legislature for the time being.

1. The convention which formed that Constitution, declared themselves to be the House of Delegates, during the term for which they were originally elected, and in the autumn of the year met the Senate, elected under the new Constitution, and did legislative business with them. At this time, there were malefactors in the public jail, and

there was as yet no court established for their trial. They passed a law, appointing certain members by name, who were then members of the Executive Council, to be a court for the trial of these malefactors, though the Constitution had said, in express words, that no person should exercise the powers of more than one of the three departments, legislative, executive, and judiciary at the same time. This proves that the very men who had made that Constitution understood that it would be alterable by the General Assembly. This court was only for that occasion. When the next General Assembly met, after the election of the ensuing year, there was a new set of malefactors in the jail, and no court to try them. This Assembly passed a similar law to the former, appointing certain members of the Executive Council to be an occasional court for this particular case. Not having the journals of Assembly by me, I am unable to say whether this measure was repealed afterwards. However, they are instances of *executive* and *judiciary* powers exercised by the same persons, under the authority of a law made in contradiction to the Constitution.

2. There was a process depending in the ordinary courts of justice, between two individuals of the names of Robinson and Fauntleroy, who were relations, of different descriptions, to one Robinson, a British subject, lately dead. Each party claimed a right to inherit the lands of the

decedent according to the laws. Their right should by the Constitution have been decided by the judiciary courts; and it was actually depending before them. One of the parties petitioned the Assembly (I think it was in the year 1782), who passed a law deciding the right in his favor. In the following year, a Frenchman, master of a vessel, entered into port without complying with the laws established in such cases, whereby he incurred the forfeitures of the law to any person who would sue for them. An individual instituted a legal process to recover these forfeitures according to the law of the land. The Frenchman petitioned the Assembly, who passed a law deciding the question of forfeiture in his favor. These acts are occasional repeals of that part of the Constitution which forbids the same persons to exercise *legislative* and *judiciary* powers at the same time.

The Assembly is in the habitual exercise, during their sessions, of directing the Executive what to do. There are few pages of their journals which do not show proofs of this, and consequently instances of the *legislative* and *executive* powers exercised by the same persons at the same time. These things prove that it has been the uninterrupted opinion of every Assembly, from that which passed the ordinance called the Constitution down to the present day, that their acts may control that ordinance, and, of course, that the State of Virginia has no fixed Constitution at all.

THE succeeding observations were made by Mr. Jefferson on an article entitled "Etats Unis," prepared for the Encyclopédie Méthodique, and submitted to him before its publication.

Page 8. The malefactors sent to America were not sufficient in number to merit enumeration, as one class out of three which peopled America. It was at a late period of their history that this practice began. I have no book by me which enables me to point out the date of its commencement. But I do not think the whole number sent would amount to two thousand, and being principally men, eaten up with disease, they married seldom and propagated little. I do not suppose that themselves and their descendants are at present four thousand, which is little more than one-thousandth part of the whole inhabitants.

Indented servants formed a considerable supply. These were poor Europeans, who went to America to settle themselves. If they could pay their passage, it was well. If not, they must find means of paying it. They were at liberty, therefore, to make an agreement with any person they chose, to serve him such a length of time as they agreed on, upon condition that he would repay to the master of the vessel the expenses of their passage. If, being foreigners, unable to speak the language, they did not know how to make a bargain for themselves, the captain of the vessel contracted for them with such persons as he could. This contract was by deed indented, which occasioned them to be called

indented servants. Sometimes they were called redemptioners, because by their agreement with the master of the vessel, they could *redeem* themselves from his power by paying their passage, which they frequently effected by hiring themselves on their arrival, as is before mentioned. In some States I know that these people had a right of marrying themselves without their master's leave, and I and suppose they had that right everywhere. I did not know that in any of the States they demanded so much as a week for every day's absence without leave. I suspect this must have been at a very early period, while the governments were in the hands of the first emigrants, who, being mostly laborers, were narrow-minded and severe. I know that in Virginia the laws allowed their servitude to be protracted only two days for every one they were absent without leave. So mild was this kind of servitude, that it was very frequent for foreigners, who carried to America money enough not only to pay their passage, but to buy themselves a farm, to indent themselves to a master for three years for a certain sum of money, with a view to learn the husbandry of the country. I will here make a general observation. So desirous are the poor of Europe to get to America, where they may better their condition, that being unable to pay their passage, they will agree to serve two or three years on their arrival here, rather than not go. During the time of that service, they are better fed, better clothed, and

have lighter labor, than while in Europe. Continuing to work for hire a few years longer, they buy a farm, marry, and enjoy all the sweets of a domestic society of their own. The American governments are censured for permitting this species of servitude, which lays the foundation of the happiness of these people. But what should these governments do? Pay the passage of all those who choose to go into their country? They are not able; nor were they able, do they think the purchase worth the price? Should they exclude these people from their shores? Those who know their situations in Europe and America, would not say that this is the alternative which humanity dictates. It is said that these people are deceived by those who carry them over. But this is done in Europe. How can the American governments prevent it? Should they punish the deceiver? It seems more incumbent on the European government, where the act is done, and where a public injury is sustained from it. However, it is only in Europe that this deception is heard of. The individuals are generally satisfied in America with their adventure, and very few of them wish not to have made it. I must add that the Congress have nothing to do with this matter. It belongs to the legislatures of the several States.

Page 26. "Une puissance, en effet," etc. The account of the settlement of the colonies, which precedes this paragraph, shows that that settlement was not made by public authority, or at the public

expense of England; but by the exertions, and at the expense of individuals. Hence it happened, that their constitutions were not formed systematically, but according to the circumstances which happened to exist in each. Hence, too, the principles of the political connection between the old and new countries, were never settled. That it would have been advantageous to have settled them, is certain; and, particularly, to have provided a body which should decide, in the last resort, all cases wherein both parties were interested. But it is not certain that that right would have been given, or ought to have been given to the Parliament; much less, that it resulted to the Parliament, without having been given to it expressly. Why was it necessary that there should have been a body to decide in the last resort? Because, it would have been for the good of both parties. But this reason shows it ought not to have been the Parliament, since that would have exercised it for the good of one party only.

Page 105. As to the change of the 8th article of Confederation, for quoting requisitions of money on the States.

By a report of the Secretary of Congress, dated January the 4th, 1786, eight States had then acceded to the proposition; to wit, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, and North Carolina.

Congress, on the 18th of April, 1783, recommended to the States to invest them with a power,

for twenty-five years, to levy an impost of five per cent. on all articles imported from abroad. New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, and South Carolina, had complied with this, before the 4th of January, 1786. Maryland had passed an act for the same purpose; but, by a mistake in referring to the date of the recommendation of Congress, the act failed of its effect. This was therefore to be rectified. Since the 4th of January, the public papers tell us that Rhode Island has complied fully with this recommendation. It remains still for New York and Georgia to do it. The exportations of America, which are tolerably well known, are the best measure for estimating the importations. These are probably worth about twenty millions of dollars, annually. Of course, this impost will pay the interest of a debt to that amount. If confined to the foreign debt, it will pay the whole interest of that, and sink half a million of the capital, annually. The expenses of collecting this impost, will probably be six per cent. on its amount, this being the usual expense of collection in the United States. This will be sixty thousand dollars.

On the 30th of April, 1784, Congress recommended to the States, to invest them with a power, for fifteen years, to exclude from their ports the vessels of all nations, not having a treaty of commerce with them; and to pass, as to all nations, an act on the principles of the British navigation act.

Not that they were disposed to carry these powers into execution, with such as would meet them in fair and equal arrangements of commerce; but that they might be able to do it against those who should not. On the 4th of January, 1786, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Maryland, Virginia, and North Carolina, had done it. It remained for New Jersey, Delaware, South Carolina, and Georgia, to do the same.

In the meantime, the general idea has advanced before the demands of Congress, and several States have passed acts, for vesting Congress with the whole regulation of their commerce, reserving the revenue arising from these regulations, to the disposal of the State in which it is levied. The States which, according to the public papers, have passed such acts, are New Hampshire, Massachusetts, Rhode Island, New Jersey, Delaware, and Virginia; but the Assembly of Virginia, apprehensive that this disjointed method of proceeding may fail in its effect, or be much retarded, passed a resolution on the 21st of January, 1786, appointing commissioners to meet others from the other States, whom they invite into the same measure, to digest the form of an act, for investing Congress with such powers over their commerce, as shall be thought expedient, which act is to be reported to their several Assemblies, for their adoption. This was the state of the several propositions relative to the impost, and regulation of commerce, at the date of our latest advices from America.

Page 125. The General Assembly of Virginia, at their session in 1785, passed an act, declaring that the district, called Kentucky, shall be a separate and independent State, on these conditions: 1. That the people of that district shall consent to it. 2. That Congress shall consent to it, and shall receive them into the federal Union. 3. That they shall take on themselves a proportionable part of the public debt of Virginia. 4. That they shall confirm all titles to lands within their district, made by the State of Virginia, before their separation.

Page 139. It was in 1783, and not in 1781, that Congress quitted Philadelphia.

Page 140. "Le Congres qui se trouvoit à la portée des rebelles fut effrayé." I was not present on this occasion, but I have had relations of the transaction from several who were. The conduct of Congress was marked with indignation and firmness. They received no propositions from the mutineers. They came to the resolutions, which may be seen in the journals of June the 21st, 1783, then adjourned regularly, and went through the body of the mutineers to their respective lodgings. The measures taken by Dickinson, the President of Pennsylvania, for punishing this insult, not being satisfactory to Congress, they assembled, nine days after, at Princeton, in Jersey. The people of Pennsylvania sent petitions declaring their indignation at what had passed, their devotion to the federal head, and their dispositions to protect it, and praying them to

return; the legislature, as soon as assembled, did the same thing; the Executive, whose irresolution had been so exceptionable, made apologies. But Congress were now removed; and, to the opinion that this example was proper, other causes were now added, sufficient to *prevent* their return to Philadelphia.

Page 155. l. 2. Omit "La detta actuelle," etc.

And also, "Les details," etc., etc., to the end of the paragraph, "celles des États Unis;" page 156. The reason is, that these passages seem to suppose, that the several sums emitted by Congress, at different times, amounting nominally to two hundred millions of dollars, had been actually worth that at the time of emission, and, of course, that the soldiers and others had received that sum from Congress. But nothing is further from the truth. The soldier, victualler, or other persons who received forty dollars for a service, at the close of the year 1779, received, in fact, no more than he who received one dollar for the same service, in the year 1775, or 1776; because, in those years, the paper money was at par with silver; whereas, by the close of 1779, forty paper dollars were worth but one of silver, and would buy no more of the necessaries of life. To know what the moneys emitted by Congress were worth to the people, at the time they received them, we will state the date and amount of every several emission, the depreciation of paper money at the time, and the real worth of the emission in silver or gold.

Emission.	Sum Emitted.	Depreciation.	Worth of the sum emitted, in silver dollars.
1775. June 23	2,000,000	.....	2,000,000
" November 29	3,000,000	.....	3,000,000
1776. February 17	4,000,000	.....	4,000,000
" August 13	5,000,000	.....	5,000,000
1777. May 20	5,000,000	$2\frac{2}{3}$	1,877,273
" August 15	1,000,000	3	$333,333\frac{1}{3}$
" November 7	1,000,000	4	250,000
" December 3	1,000,000	4	250,000
1778. January 8	1,000,000	4	250,000
" January 22	2,000,000	4	500,000
" February 16	2,000,000	5	400,000
" March 5	2,000,000	5	400,000
" April 4	1,000,000	6	$166,666\frac{2}{3}$
" April 11	5,000,000	6	$833,333\frac{1}{3}$
" April 18	500,000	6	$83,333\frac{1}{3}$
" May 22	5,000,000	5	1,000,000
" June 20	5,000,000	4	1,250,000
" July 30	5,000,000	$4\frac{1}{2}$	1,111,111
" September 5	5,000,000	5	1,000,000
" September 26	10,000,100	5	2,000,020
" November 4	10,000,100	6	$1,666,683\frac{1}{3}$
" December 14	10,000,100	6	$1,666,683\frac{1}{3}$
1779. January 14	[1]24,447,620	8	$3,055,952\frac{1}{2}$
" February 3	5,000,160	10	500,016
" February 12	5,000,160	10	500,016
" April 2	5,000,160	17	294,127
" May 5	10,000,100	24	$416,670\frac{5}{6}$
" June 4	10,000,100	20	500,005
" July 17	15,000,280	20	750,014
" September 17	15,000,260	24	$625,010\frac{5}{6}$
" October 14	5,000,180	30	$166,672\frac{2}{3}$
" November 17	10,050,540	$38\frac{1}{2}$	261,053
" November 29	10,000,140	$38\frac{1}{2}$	259,743
	200,000,000		$36,367,719\frac{5}{6}$

[1] The sum actually voted was 50,000,400, but part of it was for exchange of old bills, without saying how much. It is presumed that these exchanges absorbed $25,552,780, because the remainder, 24,447,620, with all the other emissions preceding September 2. 1779, will amount to 159 948,880, the sum which Congress declared to be then in circulation.

Thus, it appears, that the two hundred millions of dollars, emitted by Congress, were worth, to those who received them, but about thirty-six millions of silver dollars. If we estimate at the same value, the like sum of two hundred millions, supposed to have been emitted by the States, and reckon the federal debt, foreign and domestic, at about forty-three millions, and the State debts at about twenty-five millions, it will form an amount of one hundred and forty millions of dollars, or seven hundred and thirty-five millions of livres, Tournois, the total sum which the war has cost the inhabitants of the United States. It continued eight years, from the battle of Lexington to the cessation of hostilities in America. The annual expense, then, was about seventeen millions and five hundred thousand dollars, while that of our enemies was a greater number of guineas.

It will be asked, how will the two masses of Continental and of State money have cost the people of the United States seventy-two millions of dollars, when they are to be redeemed, now, with about six millions? I answer, that the difference, being sixty-six millions, has been lost on the paper bills, separately, by the successive holders of them. Every one, through whose hands a bill passed, lost on that bill what it lost in value, during the time it was in his hands. This was a real tax on him; and in this way, the people of the United States actually contributed those sixty-six millions of dollars, during the war, and by a mode of taxation the

most oppressive of all, because the most unequal of all.

Page 166; bottom line. Leave out "Et c'est une autre economie," etc. The reason of this, is, that in 1784, purchases of lands were to be made of the Indians, which were accordingly made. But in 1785, they did not propose to make any purchase. The money desired in 1785, five thousand dollars, was probably to pay agents residing among the Indians, or balances of the purchases of 1784. These purchases will not be made every year; but only at distant intervals, as our settlements are extended; and it may be regarded as certain, that not a foot of land will ever be taken from the Indians, without their own consent. The sacredness of their rights, is felt by all thinking persons in America, as much as in Europe.

Page 170. Virginia was quotaed the highest of any State in the Union. But during the war, several States appear to have paid more, because they were free from the enemy, whilst Virginia was cruelly ravaged. The requisition of 1784, was so quotaed on the several States, as to bring up their arrearages; so that when they should have paid the sums then demanded, all would be on an equal footing. It is necessary to give a further explanation of this requisition. The requisitions of one million and two hundred thousand dollars, of eight millions, and two millions, had been made during the war, as an experiment, to see whether,

in that situation, the States could furnish the necessary supplies. It was found they could not. The money was thereupon obtained by loans in Europe; and Congress meant, by their requisition of 1784, to abandon the requisitions of one million and two hundred thousand dollars, and of two millions, and also one-half of the eight millions. But as all the States, almost, had made some payments in part of that requisition, they were obliged to retain such a proportion of it, as would enable them to call for equal contributions from all the others.

Page 170. I cannot say how it has happened, that the debt of Connecticut is greater than that of Virginia. The latter is the richest in productions, and, perhaps, made greater exertions to pay for her supplies in the course of the war.

Page 172. "Les Americains sevant aprés une banqueroute," etc. The objections made to the United States, being here condensed together in a short compass, perhaps, it would not be improper to condense the answers in as small a compass, in some such form as follows. That is, after the words "aucun espoir," add, "But to these charges it may be justly answered, that those are no bankrupts who acknowledge the sacredness of their debts, in their just and real amount, who are able, within a reasonable time, to pay them, and who are actually proceeding in that payment; that they furnish, in fact, the supplies necessary for the support of their government; that their officers and soldiers

are satisfied, as the interest of their debt is paid regularly, and the principal is in a course of payment; that the question, whether they fought ill, should be asked of those who met them at Bunker's Hill, Bennington, Stillwater, King's Mountain, the Cowpens, Guilford, and the Eutaw. And that the charges of ingratitude, madness, infidelity and corruption, are easily made by those to whom falsehoods cost nothing; but that no instances, in support of them, have been produced, or can be produced."

Page 187. "Les officiérs et les soldats ont eté payés," etc. The balances due to the officers and soldiers have been ascertained, and a certificate of the sum given to each; on these, the interest is regularly paid; and every occasion is seized of paying the principal, by receiving these certificates as money, whenever public property is sold, till a more regular and effectual method can be taken, for paying the whole.

Page 191. "Quoique la loi dont nous parlons, ne s'observe plus en Angleterre." "An alien born may purchase lands or other estates, but not for his own use; for the King is thereupon entitled to them." "Yet an alien may acquire a property in goods, money and other personal estate, or may hire a house for his habitation. For this is necessary for the advancement of trade." "Also, an alien may bring an action concerning personal property, and may make a will, and dispose of his personal

estate." "When I mention these rights of an alien, I must be understood of alien *friends* only, or such whose countries are in peace with ours; for alien *enemies* have no rights, no privileges, unless by the King's special favor, during the time of war." Blackstone, B. 1. c. 10, page 372. "An alien *friend* may have personal actions, but not real; an alien *enemy* shall have neither real, personal, or mixed actions. The reason why an alien *friend* is allowed to maintain a personal action, is, because he would otherwise be incapacitated to merchandise, which may be as much to our prejudice as his." Cunningham's Law Dict., title, Aliens. The above is the clear law of England, practiced from the earliest ages to this day, and never denied. The passage quoted by M. de Meuisnier from 2 Blackstone, c. 26, is from his chapter, "Of title to things *personal by occupancy.*" The word "personal," shows, that nothing in this chapter relates to lands, which are *real* estate; and, therefore, this passage does not contract the one before quoted from the same author, (1 Bl. c. 10.) which says, that the lands of an alien belong to the King. The words, "of title by *occupancy,*" show, that it does not relate to *debts*, which, being a moral existence only, cannot be the subject of *occupancy*. Blackstone, in this passage, (B. 2. c. 26.) speaks only of personal goods of an alien, which another may find, and seize as prime occupant.

Page 193. "Le remboursement presentera des

difficultés des sommes considerables," etc. There is no difficulty nor doubt on this subject. Every one is sensible how this is to be ultimately settled. Neither the British creditor, nor the State, will be permitted to lose by these payments. The debtor will be credited for what he paid, according to what it was really worth at the time he paid it, and he must pay the balance. Nor does he lose by this; for if a man who owed one thousand dollars to a British merchant, paid eight hundred paper dollars into the treasury, when the depreciation was at eight for one, it is clear he paid but one hundred real dollars, and must now pay nine hundred. It is probable, he received those eight hundred dollars for one hundred bushels of wheat, which were never worth more than one hundred silver dollars. He is credited, therefore, the full worth of his wheat. The equivoque is in the use of the word "dollar."

Page 226. "Qu' on abolisse les privileges du clergé." This privilege, originally allowed to the clergy, is now extended to every man, and even to women. It is a right of exemption from capital punishment, for the first offence, in most cases. It is, then, a pardon by the law. In other cases, the Executive gives the pardon. But when laws are made as mild as they should be, both those pardons are absurd. The principle of Beccaria is sound. Let the legislators be merciful, but the executors of the law inexorable. As the term "privileges du clergé" may be understood by for-

eigners, perhaps, it will be better to strike it out here, and substitute the word "pardon."

Page 239. "Les commissaries venlent," etc. Manslaughter is the killing a man with design, but in a sudden gust of passion, and where the killer has not had time to cool. The first offence is not punished capitally, but the second is. This is the law of England and of all the American States; and is not now a new proposition. Those laws have supposed that a man, whose passions have so much dominion over him, as to lead him to repeated acts of murder, is unsafe to society: that it is better he should be put to death by the law, than others, more innocent than himself, on the movements of his impetuous passions.

Ibid. "Mal-aisé d' indiquer la nuance precise," etc. In forming a scale of crimes and punishments, two considerations have principal weight. 1. The atrocity of the crime. 2. The peculiar circumstances of a country, which furnish greater temptations to commit it, or greater facilities for escaping detection. The punishment must be heavier, to counterbalance this. Were the first the only consideration, all nations would form the same scale. But, as the circumstances of a country have influence on the punishment, and no two countries exist precisely under the same circumstances, no two countries will form the same scale of crimes and punishments. For example; in America, the inhabitants let their horses go at large, in the unin-

closed lands, which are so extensive, as to maintain them altogether. It is easy, therefore, to steal them, and easy to escape. Therefore, the laws are obliged to oppose these temptations with a heavier degree of punishment. For this reason, the stealing of a horse in America, is punished more severely than stealing the same value in any other form. In Europe, where horses are confined so securely, that it is impossible to steal them, that species of theft need not be punished more severely than any other. In some countries of Europe, stealing fruit from trees is punished capitally. The reason is, that it being impossible to lock fruit trees up in coffers, as we do our money, it is impossible to oppose physical bars to this species of theft. Moral ones are, therefore, opposed by the laws. This, to an unreflecting American, appears the most enormous of all the abuses of power; because, he has been used to see fruits hanging in such quantities, that, if not taken by men, they would rot: he has been used to consider them, therefore, as of no value, and as not furnishing materials for the commission of a crime. This must serve as an apology for the arrangements of crimes and punishments, in the scale under our consideration. A different one would be formed here; and still different ones in Italy, Turkey, China, etc.

Page 240. "Les officiers Americains," etc., to page 264, "qui le meritoient." I would propose to new model this section, in the following manner.

1. Give a succinct history of the origin and establishment of the Cincinnati. 2. Examine whether, in its present form, it threatens any dangers to the State. 3. Propose the most practicable method of preventing them.

Having been in America, during the period in which this institution was formed, and being then in a situation which gave me opportunities of seeing it, in all its stages, I may venture to give M. de Meusnier materials for the first branch of the preceding distribution of the subject. The second and third, he will best execute himself. I should write its history in the following form:

When, on the close of that war, which established the independence of America, its army was about to be disbanded, the officers, who, during the course of it, had gone through the most trying scenes together, who, by mutual aids and good offices, had become dear to one another, felt with great oppression of mind, the approach of that moment which was to separate them, never, perhaps, to meet again. They were from different States, and from distant parts of the same State. Hazard alone could, therefore, give them but rare and partial occasions of seeing each other. They were, of course, to abandon altogether the hope of ever meeting again, or to devise some occasion which might bring them together. And why not come together on purpose, at stated times? Would not the trouble of such a journey be greatly over-

paid, by the pleasure of seeing each other again, by the sweetest of all consolations, the talking over the scenes of difficulty and of endearment they had gone through? This, too, would enable them to know who of them should succeed in the world, who should be unsuccessful, and to open the purses of all to every laboring brother. This idea was too soothing, not to be cherished in conversation. It was improved into that of a regular association, with an organized administration, with periodical meetings, general and particular, fixed contributions for those who should be in distress, and a badge, by which, not only those who had not had occasion to become personally known, should be able to recognize one another, but which should be worn by their descendants, to perpetuate among them the friendships which had bound their ancestors together.

General Washington was, at that moment, oppressed with the operation of disbanding an army which was not paid, and the difficulty of this operation was increased, by some two or three States having expressed sentiments, which did not indicate a sufficient attention to their payment. He was sometimes present, when his officers were fashioning, in their conversations, their newly proposed society. He saw, the innocence of its origin, and foresaw no effects less innocent. He was, at that time, writing his valedictory letter to the States, which has been so deservedly applauded by the

world. Far from thinking it a moment to multiply the causes of irritation, by thwarting a proposition which had absolutely no other basis but that of benevolence and friendship, he was rather satisfied to find himself aided in his difficulties by this new incident, which occupied, and, at the same time, soothed the minds of the officers. He thought, too, that this institution would be one instrument the more for strengthening the federal bond, and for promoting federal ideas. The institution was formed. They incorporated into it the officers of the French army and navy, by whose sides they had fought, and with whose aid they had finally prevailed, extending it to such grades as they were told might be permitted to enter into it. They sent an officer to France, to make the proposition to them, and to procure the badges which they had devised for their order. The moment of disbanding the army having come, before they could have a full meeting to appoint their President, the General was prayed to act in that office till their first general meeting, which was to be held at Philadelphia, in the month of May following.

The laws of the society were published. Men who read them in their closets, unwarmed by those sentiments of friendship which had produced them, inattentive to those pains which an approaching separation had excited in the minds of the institutors, politicians, who see in everything only the dangers with which it threatens civil society, in

fine, the laboring people, who, shielded by equal laws, had never seen any difference between man and man, but had read of terrible oppressions, which people of their description experience in other countries, from those who are distinguished by titles and badges, began to be alarmed at this new institution. A remarkable silence, however, was observed. Their solicitudes were long confined within the circles of private conversation. At length, however, a Mr. Burke, Chief Justice of South Carolina, broke that silence. He wrote against the new institution, foreboding its dangers, very imperfectly, indeed, because he had nothing but his imagination to aid him. An American could do no more; for to detail the real evils of aristocracy, they must be seen in Europe. Burke's fears were thought exaggerations in America; while in Europe, it is known that even Mirabeau has but faintly sketched the curses of hereditary aristocracy as they are experienced here, and as they would have followed in America, had this institution remained. The epigraph of Burke's pamphlet, was, "Blow ye the trumpet in Zion." Its effect corresponded with its epigraph. This institution became, first, the subject of general conversation. Next, it was made the subject of deliberation in the legislative Assemblies of some of the States. The Governor of South Carolina censured it, in an address to the Assembly of that State. The Assemblies of Massachusetts, Rhode Island, and Pennsylvania, condemned its

principles. No circumstance, indeed, brought the consideration of it expressly before Congress; yet it had sunk deep into their minds. An offer having been made to them, on the part of the Polish order of Divine Providence, to receive some of their distinguished citizens into that order, they made that an occasion to declare, that these distinctions were contrary to the principles of their Confederation.

The uneasiness excited by this institution, had very early caught the notice of General Washington. Still recollecting all the purity of the motives which gave it birth, he became sensible that it might produce political evils, which the warmth of those motives had masked. Add to this, that it was disapproved by the mass of citizens of the Union. This, alone, was reason strong enough, in a country where the will of the majority is the law, and ought to be the law. He saw that the objects of the institution were too light, to be opposed to considerations as serious as these; and that it was become necessary to annihilate it absolutely. On this, therefore, he was decided. The first annual meeting at Philadelphia was now at hand; he went to that, determined to exert all his influence for its suppression. He proposed it to his fellow officers, and urged it with all his powers. It met an opposition which was observed to cloud his face with an anxiety, that the most distressful scenes of the war had scarcely ever produced. It was

canvassed for several days, and, at length, it was no more a doubt what would be its ultimate fate. The order was on the point of receiving its annihilation, by the vote of a great majority of its members. In this moment, their envoy arrived from France, charged with letters from the French officers, accepting with cordiality the proposed badges of union, with solicitations from others to be received into the order, and with notice that their respectable Sovereign had been pleased to recognize it, and permit his officers to wear its badges. The prospect now changed. The question assumed a new form. After the offer made by them, and accepted by their friends, in what words could they clothe a proposition to retract it, which would not cover themselves with the reproaches of levity and ingratitude? which would not appear an insult to those whom they loved? Federal principles, popular discontent, were considerations whose weight was known and felt by themselves. But would foreigners know and feel them equally? Would they so far acknowledge their cogency, as to permit without any indignation, the eagle and ribbon to be torn from their breasts, by the very hands which had placed them there? The idea revolted the whole society. They found it necessary, then, to preserve so much of their institution as might continue to support this foreign branch, while they should prune off every other, which would give offence to their fellow citizens: thus

sacrificing, on each hand, to their friends and to their country.

The society was to retain its existence, its name, its meetings, and its charitable funds: but these last were to be deposited with their respective legislatures. The order was to be no longer hereditary; a reformation, which had been pressed even from this side the Atlantic; it was to be communicated to no new members; the general meetings, instead of annual, were to be triennial only. The eagle and ribbon, indeed, were retained; because they were worn, and they wished them to be worn by their friends who were in a country where they would not be objects of offence; but themselves never wore them. They laid them up in their bureaus with the medals of American Independence, with those of the trophies they had taken, and the battles they had won. But through all the United States, no officer is seen to offend the public eye, with the display of this badge. These changes have tranquilized the American States. Their citizens feel too much interest in the reputation of their officers, and value too much, whatever may serve to recall to the memory of their allies, the moments wherein they formed but one people, not to do justice to the circumstance which prevented a total annihilation of the order. Though they are obliged by a prudent foresight, to keep out everything from among themselves, which might pretend to divide them into orders, and to

degrade one description of men below another, yet they hear with pleasure that their allies, whom circumstances have already placed under these distinctions, are willing to consider it as one, to have aided them in the establishment of their liberties, and to wear a badge which may recall them to their remembrance; and it would be an extreme affliction to them, if the domestic reformation which has been found necessary, if the censures of individual writers, or if any other circumstance should discourage the wearing their badge or lessen its reputation.

This short but true history of the order of the Cincinnati, taken from the mouths of persons on the spot, who were privy to its origin and progress, and who knew its present state, is the best apology which can be made for an insinuation, which appeared to be, and was really, so heterogeneous to the governments in which it was erected.

It should be further considered, that in America no other distinction between man and man had ever been known, but that of persons in office, exercising powers by authority of the laws, and private individuals. Among these last, the poorest laborer stood on equal ground with the wealthiest millionaire, and generally on a more favored one, whenever their rights seemed to jar. It has been seen that a shoemaker or other artisan, removed by the voice of his country from his work-bench into a chair of office, has instantly commanded all

the respect and obedience which the laws ascribe to his office. But of distinction by birth or badge, they had no more idea than they had of the mode of existence in the moon or planets. They had heard only that there were such, and knew that they must be wrong. A due horror of the evils which flow from these distinctions, could be excited in Europe only, where the dignity of man is lost in arbitrary distinctions, where the human species is classed into several stages of degradation, where the many are crushed under the weight of the few, and where the order established, can present to the contemplation of a thinking being, no other picture than that of God Almighty and His angels, trampling under foot the host of the damned. No wonder, then, that the institution of the Cincinnati should be innocently conceived by one order of American citizens, should raise in the other orders, only a slow, temperate, and rational opposition, and should be viewed in Europe as a detestable parricide.

The second and third branches of this subject, no body can better execute than M. de Meusnier. Perhaps it may be curious to him to see how they strike an American mind at present. He shall, therefore, have the ideas of one who was an enemy to the institution from the first moment of its conception, but who was always sensible that the officers neither foresaw nor intended the injury they were doing to their country.

As to the question, then, whether any evil can proceed from the institution at it stands at present, I am of opinion there may. 1. From the meetings. These will keep the officers formed into a body; will continue a distinction between the civil and military, which it would be for the good of the whole to obliterate, as soon as possible; and the military assemblies will not only keep alive the jealousies and fears of the civil government, but give ground for these fears and jealousies. For when men meet together, they will make business if they have none; they will collate their grievances, some real, some imaginary, all highly painted; they will communicate to each other the sparks of discontent; and these may engender a flame which will consume their particular, as well as the general happiness. 2. The charitable part of the institution is still more likely to do mischief, as it perpetuates the dangers apprehended in the preceding clause. For here is a fund provided of permanent existence. To whom will it belong? To the descendants of American officers of a certain description. These descendants, then, will form a body, having sufficient interest to keep up an attention to their description, to continue meetings, and perhaps, in some moment, when the political eye shall be slumbering, or the firmness of their fellow citizens relaxed, to replace the insignia of the order and revive all its pretensions. What good can the officers propose which may weigh against

these possible evils? The securing their descendants against want? Why afraid to trust them to the same fertile soil, and the same genial climate, which will secure from want the descendants of their other fellow citizens? Are they afraid they will be reduced to labor the earth for their sustenance? They will be rendered thereby both more honest and happy. An industrious farmer occupies a more dignified place in the scale of beings, whether moral or political, than a lazy lounger, valuing himself on his family, too proud to work, and drawing out a miserable existence, by eating on that surplus of other men's labor, which is the sacred fund of the helpless poor. A pitiful annuity will only prevent them from exerting that industry and those talents which would soon lead them to better fortune.

How are these evils to be prevented? 1. At their first general meeting, let them distribute the funds on hand to the existing objects of their destination, and discontinue all further contributions. 2. Let them declare, at the same time, that their meetings, general and particular, shall thenceforth cease. 3. Let them melt up their eagles and add the mass to the distributable fund, that their descendants may have no temptation to hang them in their buttonholes.

These reflections are not proposed as worthy the notice of M. de Meusnier. He will be so good as to treat the subject in his own way, and nobody has

a better. I will only pray him to avail us of his forcible manner, to evince that there is evil to be apprehended, even from the ashes of this institution, and to exhort the society in America to make their reformation complete; bearing in mind, that we must keep the passions of men on our side, even when we are persuading them to do what they ought to do.

Page 268. "Et en effet la population," etc. Page 270. "Plus de confiance."

To this we answer that no such census of the numbers was ever given out by Congress, nor ever presented to them: and further, that Congress never have, at any time, declared by their vote, the number of inhabitants in their respective States. On the 22d of June, 1775, they first resolved to emit paper money. The sum resolved on was two millions of dollars. They declared, then, that the twelve confederate colonies (for Georgia had not yet joined them) should be pledged for the redemption of these bills. To ascertain in what proportion each State should be bound, the members from each were desired to say, as nearly as they could, what was the number of the inhabitants of their respective States. They were very much unprepared for such a declaration. They guessed, however, as well as they could. The following are the numbers, as they conjectured them, and the consequent apportionment of the two millions of dollars.

	Inhabitants.	Dollars.
New Hampshire	100,000	82,713
Massachusetts	350,000	289,496
Rhode Island	58,000	47,973
Connecticut	200,000	165,426
New York	200,000	165,426
New Jersey	130,000	107,527
Pennsylvania	300,000	248,139
Delaware	30,000	24,813
Maryland	250,000	206,783
Virginia	400,000	330,852
North Carolina	200,000	165,426
South Carolina	200,000	165,426
	2,418,000	2,000,000

Georgia having not yet acceded to the measures of the other States, was not quotaed; but her numbers were generally estimated at about thirty thousand, and so would have made the whole two million four hundred and forty-eight thousand persons, of every condition. But it is to be observed, that though Congress made this census the basis of their apportionment, yet they did not even give it a place on their journals; much less publish it to the world with their sanction. The way it got abroad was this: As the members declared from their seats the number of inhabitants which they conjectured to be in their State, the secretary of Congress wrote them on a piece of paper, calculated the portion of two millions of dollars to be paid by each, and entered the sum only in the journals. The members, however, for their own satisfaction, and the information of their States, took copies of this enumeration and sent them to their States. From

thence they got into the public papers: and when the English news writers found it answer their purpose to compare this with the enumeration of 1783, as their principle is "to lie boldly that they may not be suspected of lying," they made it amount to three millions one hundred and thirty-seven thousand eight hundred and nine, and ascribed its publication to Congress itself.

In April, 1785, Congress being to call on the States to raise a million and a half of dollars annually for twenty-five years, it was necessary to apportion this among them. The States had never furnished them with their exact numbers. It was agreed, too, that in this apportionment five slaves should be counted as three freemen only. The preparation of this business was in the hands of a committee; they applied to the members for the best information they could give them of the number of their States. Some of the States had taken pains to discover their numbers. Others had done nothing in that way, and, of course, were now where they were in 1775, when their numbers were first called on to declare their members. Under these circumstances, and on the principle of counting three-fifths only of the slaves, the committee apportioned the money among the States, and reported their work to Congress. In this they had assessed South Carolina as having one hundred and seventy thousand inhabitants. The delegate for that State, however, prevailed on Congress to assess them on

the footing of one hundred and fifty thousand only, in consideration of the state of total devastation in which the enemy had left their country. The difference was then laid on the other States, and the following was the result:—

	Inhabitants.	Dollars.
New Hampshire	82,200	52,708
Massachusetts	350,000	224,427
Rhode Island	50,400	32,318
Connecticut	206,000	132,091
New York	200,000	128,243
New Jersey	130,000	83,358
Pennsylvania	320,000	205,189
Delaware	35,000	22,443
Maryland	220,700	141,517
Virginia	400,000	256,487
North Carolina	170,000	109,006
South Carolina	150,000	96,183
Georgia	25,000	16,030
	2,339,300	1,500,000

Still, however, Congress refused to give the enumeration the sanction of a place on their journals, because it was not formed on such evidence as a strict attention to accuracy and truth required. They used it from necessity, because they could get no better rule, and they entered on their journals only the apportionment of money. The members, however, as before, took copies of the enumeration, which was the groundwork of the apportionment, sent them to their States, and thus this second enumeration got into the public papers, and was by the English ascribed to Congress as their declaration of their present numbers. To get at the

real numbers which this enumeration supposes, we must add twenty thousand to the number on which South Carolina was quotaed; we must consider that seven hundred thousand slaves are counted but as four hundred and twenty thousand persons, and add, on that account, two hundred and eighty thousand. This will give us a total of two millions six hundred and thirty-nine thousand three hundred inhabitants of every condition in the thirteen States, being two hundred and twenty-one thousand three hundred more than the enumeration of 1775, instead of seven hundred and ninety-eight thousand five hundred and nine less, which the English papers asserted to be the diminution of members in the United States, according to the confession of Congress themselves.

Page 272. "Comportera peut etre une population de thirty millions."

The territory of the United States contains about a million of square miles, English. There is, in them, a greater proportion of fertile lands than in the British dominions in Europe. Suppose the territory of the United States, then, to attain an equal degree of population with the British European dominions, they will have an hundred millions of inhabitants. Let us extend our views to what may be the population of the two continents of North and South America, supposing them divided at the narrowest part of the isthmus of Panama. Between this line and that of 50° of north latitude,

the northern continent contains about five millions of square miles, and south of this line of division the southern continent contains about seven millions of square miles. I do not pass the 50th degree of northern latitude in my reckoning, because we must draw a line somewhere, and considering the soil and climate beyond that, I would only avail my calculation of it, as a make-weight, to make good what the colder regions within that line may be supposed to fall short in their future population. Here are twelve millions of square miles, then, which, at the rate of population before assumed, will nourish twelve hundred millions of inhabitants, a number greater than the present population of the whole globe is supposed to amount to. If those who propose medals for the resolution of questions, about which nobody makes any question, those who have invited discussion on the pretended problem, Whether the discovery of America was for the good of mankind? if they, I say, would have viewed it only as doubling the numbers of mankind, and, of course, the quantum of existence and happiness, they might have saved the money and the reputation which their proposition has cost them. The present population of the inhabited parts of the United States is of about ten to the square mile; and experience has shown us, that wherever we reach that, the inhabitants become uneasy, as too much compressed, and go off in great numbers to search for vacant country. Within forty years

their whole territory will be peopled at that rate. We may fix that, then, as the term beyond which the people of those States will not be restrained within their present limits; we may fix that population, too, as the limit which they will not exceed till the whole of those two continents are filled up to that mark, that is to say, till they shall contain one hundred and twenty millions of inhabitants. The soil of the country on the western side of the Mississippi, its climate, and its vicinity to the United States, point it out as the first which will receive population from that nest. The present occupiers will just have force enough to repress and restrain the emigrations to a certain degree of consistence. We have seen lately a single person go and decide on a settlement in Kentucky, many hundred miles from any white inhabitant, remove thither with his family and a few neighbors; and though perpetually harassed by the Indians, that settlement in the course of ten years has acquired thirty thousand inhabitants. Its numbers are increasing while we are writing, and the State, of which it formerly made a part, has offered it independence.

Page 280, line five. "Huit des onze Etats," etc. Say, "There were ten States present; six voted unanimously for it, three against it, and one was divided; and seven votes being requisite to decide the proposition affirmatively, it was lost. The voice of a single individual of the State which was divided, or of one of those which were of the nega-

tive, would have prevented this abominable crime from spreading itself over the new country. Thus we see the fate of millions unborn hanging on the tongue of one man, and Heaven was silent in that awful moment! But it is to be hoped it will not always be silent, and that the friends to the rights of human nature will in the end prevail.

"On the 16th of March, 1785, it was moved in Congress that the same proposition should be referred to a committee, and it was referred by the votes of eight States against three. We do not hear that anything further is yet done on it."

Page 286. "L'autorité du Congrés etoit necessaire." The substance of the passage alluded to in the journal of Congress, May the 26th, 1784, is, "That the authority of Congress to make *requisitions* of troops during peace is questioned; that such an authority would be dangerous, combined with the acknowledged one of emitting or borrowing money; and that a few troops only being wanted to guard magazines and garrison the frontier posts, it would be more proper at present to *recommend* than to require."

Mr. Jefferson presents his compliments to M. de Meusnier, and sends him copies of the thirteenth, twenty-third, and twenty-fourth articles of treaty between the King of Prussia and the United States.

If M. de Meusnier proposes to mention the facts of cruelty of which he and Mr. Jefferson spoke

yesterday, the twenty-fourth article will introduce them properly, because they produced a sense of the necessity of that article. These facts are, 1. The death of upwards of eleven thousand American prisoners in one prison ship (the Jersey), and in the space of three years. 2. General Howe's permitting our prisoners, taken at the battle of Germantown, and placed under a guard in the yard of the State House of Philadelphia, to be so long without any food furnished them that many perished with hunger. Where the bodies lay, it was seen that they had eaten all the grass around them within their reach, after they had lost the power of rising, or moving from their place. 3. The second fact was the act of a commanding officer; the first, of several commanding officers, and for so long a time as must suppose the approbation of government. But the following was the act of government itself. During the periods that our affairs seemed unfavorable, and theirs successful, that is to say, after the evacuation of New York, and again, after the taking of Charleston, in South Carolina, they regularly sent our prisoners, taken on the seas and carried to England, to the East Indies. This is so certain, that in the month of November or December, 1785, Mr. Adams having officially demanded a delivery of the American prisoners sent to the East Indies, Lord Caermarthen answered, officially, "That orders were immediately issued for their discharge." M. de Meusnier is at liberty

to quote this fact. 4. A fact to be ascribed not only to the government, but to the Parliament, who passed an act for that purpose in the beginning of the war, was the obliging our prisoners taken at sea, to join them, and fight against their countrymen. This they effected by starving and whipping them. The insult on Captain Stanhope, which happened at Boston last year, was a consequence of this. Two persons, Dunbar and Lowthorp, whom Stanhope had treated in this manner (having particularly inflicted twenty-four lashes on Dunbar), meeting him at Boston, attempted to beat him. But the people interposed and saved him. The fact is referred to in that paragraph of the Declaration of Independence which says, "He has constrained our fellow citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands." This was the most afflicting to our prisoners of all the cruelties exercised on them. The others affected the body only, but this the mind; they were haunted by the horror of having, perhaps, themselves shot the ball by which a father or a brother fell. Some of them had constancy enough to hold out against half allowance of food and repeated whippings. These were generally sent to England, and from thence to the East Indies. One of them escaped from the East Indies, and got back to Paris, where he gave an account of his sufferings to Mr. Adams, who happened to be then at Paris.

M. de Meusnier, where he mentions that the slave law has been passed in Virginia, without the clause of emancipation, is pleased to mention, that neither Mr. Wythe nor Mr. Jefferson was present, to make the proposition they had meditated; from which, people, who do not give themselves the trouble to reflect or inquire, might conclude hastily, that their absence was the cause why the proposition was not made; and, of course, that there were not in the Assembly, persons of virtue and firmness enough to propose the clause for emancipation. This supposition would not be true. There were persons there who wanted neither the virtue to propose, nor talents to enforce the proposition, had they seen that the disposition of the legislature was ripe for it. These worthy characters would feel themselves wounded, degraded, and discouraged by this idea. Mr. Jefferson would therefore be obliged to M. de Meusnier, to mention it in some such manner as this. "Of the two commissioners, who had concerted the amendatory clause for the gradual emancipation of slaves, Mr. Wythe could not be present, he being a member of the judiciary department, and Mr. Jefferson was absent on the legation to France. But there were not wanting in that Assembly, men of virtue enough to propose, and talents to vindicate this clause. But they saw, that the moment of doing it with success was not yet arrived, and that an unsuccessful effort, as too often happens, would only rivet still closer the chains of

bondage, and retard the moment of delivery to this oppressed description of men. What a stupendous, what an incomprehensible machine is man! who can endure toil, famine, stripes, imprisonment, and death itself, in vindication of his own liberty, and, the next moment be deaf to all those motives whose power supported him through his trial, and inflict on his fellow men a bondage, one hour of which is fraught with more misery, than ages of that which he rose in rebellion to oppose. But we must await, with patience, the workings of an overruling Providence, and hope that that is preparing the deliverance of these, our suffering brethren. When the measure of their tears shall be full, when their groans shall have involved heaven itself in darkness, doubtless, a God of justice will awaken to their distress, and by diffusing light and liberality among their oppressors, or, at length, by his exterminating thunder, manifest his attention to the things of this world, and that they are not left to the guidance of a blind fatality."

[The following are the articles of the treaty with Prussia, referred to in the preceding observations.]

Article 13. And in the same case, of one of the contracting parties being engaged in war with any other power, to prevent all the difficulties and misunderstandings, that usually arise respecting the merchandise heretofore called contraband, such as arms, ammunition, and military stores of every kind, no such articles, carried in the vessels, or by

the subjects or citizens of one of the parties, to the enemies of the other, shall be deemed contraband, so as to induce confiscation or condemnation, and a loss of property to individuals. Nevertheless, it shall be lawful to stop such vessels and articles, and to detain them for such length of time, as the captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding, paying, however, a reasonable compensation for the loss such arrest shall occasion to the proprietors; and it shall further be allowed to use, in the service of the captors, the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But in the case supposed, of a vessel stopped for articles heretofore deemed contraband, if the master of the vessel stopped, will deliver out the goods supposed to be of contraband nature, he shall be admitted to do it, and the vessel shall not, in that case, be carried into any port, nor further detained, but shall be allowed to proceed on her voyage.

Article 23. If war should arise between the two contracting parties, the merchants of either country, then residing in the other, shall be allowed to remain nine months to collect their debts, and settle their affairs, and may depart freely, carrying off all their effects, without molestation or hindrance; and all women and children, scholars of every faculty, cultivators of the earth, artisans, manufacturers,

and fishermen, unarmed, and inhabiting unfortified towns, villages, or places, and in general, all others whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses be burned or otherwise destroyed, nor their fields wasted by the armed force of the enemy, into whose power, by the events of war, they may happen to fall; but if anything is necessary to be taken from them, for the use of such armed force, the same shall be paid for at a reasonable price. And all merchant and trading vessels, employed in exchanging the products of different places, and thereby rendering the necessaries, conveniences, and comforts of human life more easy to be obtained, and more general, shall be allowed to pass free and unmolested. And neither of the contracting parties shall grant, or issue any commission to any private armed vessels, empowering them to take or destroy such trading vessels, or interrupt such commerce.

Article 24. And to prevent the destruction of prisoners of war, by sending them into distant and inclement countries, or by crowding them into close and noxious places, the two contracting parties solemnly pledge themselves to each other and the world, that they will not adopt any such practice; that neither will send the prisoners whom they may take from the other, into the East Indies or any

other parts of Asia or Africa; but that they shall be placed in some part of their dominions in Europe or America, in wholesome situations, that they shall not be confined in dungeons, prison ships, nor prisons, nor be put into irons, nor bound, nor otherwise restrained in the use of their limbs. That the officers shall be enlarged, on their paroles, within convenient districts, and have comfortable quarters, and the common men be disposed in cantonments, open and extensive enough for air and exercise, and lodged in barracks as roomy and good, as are provided by the party in whose power they are, for their own troops; that the officers shall be daily furnished by the party, in whose power they are, with as many rations, and of the same articles and quality, as are allowed by them, either in kind or by commutation, to officers of equal rank in their own army; and all others shall be daily furnished by them, with such rations as they allow to a common soldier in their own service; the value whereof shall be paid by the other party, on a mutual adjustment of accounts for the subsistence of prisoners, at the close of the war; and the said accounts shall not be mingled with, or set off against any others, nor the balances due on them, be withheld as a satisfaction or reprisal for any other article, or for any other cause, real or pretended, whatever. That each party shall be allowed to keep a commissary of prisoners, of their own appointment, with every separate cantonment of prisoners in possession

of the other, which commissary shall see the prisoners as often as he pleases, shall be allowed to receive and distribute whatever comforts may be sent to them by their friends, and shall be free to make his reports in open letters, to those who employ him. But if any officer shall break his parole, or any other prisoners shall escape from the limits of his cantonment, after they shall have been designated to him, such individual officer, or other prisoner, shall forfeit so much of the benefit of this article, as provides for his enlargement on parole or cantonment. And it is declared, that neither the pretence that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending this, or the next preceding article, but, on the contrary, that the state of war is precisely that for which they are provided, and during which they are to be as sacredly observed, as the most acknowledged articles in the law of nature and nations.

Answers to Questions Propounded by Monsieur de Meusnier, January 24th, 1786.

1. On the original establishment of the several States, the civil code of England, from whence they had emigrated, was adopted. This of course could extend only to general laws, and not to those which were particular to certain places in England only. The circumstances of the new States obliged them

to add some new laws, which their special situation required, and even to change some of the general laws of England in cases which did not suit their circumstances or ways of thinking. The law of descents, for instance, was changed in several States. On the late revolution, the changes which their new form of government rendered necessary were easily made. It was only necessary to say that the powers of legislation, the judiciary, and the executive powers, heretofore exercised by persons of such and such description, shall henceforth be exercised by persons to be appointed in such and such manners. This was what their constitution did. Virginia thought it might be necessary to examine the whole code of law, to reform such parts of it as had been calculated to produce a devotion to monarchy, and to reduce into smaller volume such useful parts as had become too diffuse. A committee was appointed to execute this work; they did it; and the Assembly began in October, 1785, the examination of it, in order to change such parts of the report as might not meet their approbation, and to establish what they should approve. We may expect to hear the result of their deliberations about the last of February next.

I have heard that Connecticut undertook a like work; but I am not sure of this, nor do I know whether any other of the States have or have not done the same.

2. The Constitution of New Hampshire, estab-

lished in 1776, having been expressly made to continue only during the contest with Great Britain, they proceeded, after the close of that, to form and establish a permanent one, which they did. The Convention of Virginia which organized their new government, had been chosen before a separation from Great Britain had been thought of in their State. They had, therefore, none but the ordinary powers of legislation. This leaves their act for organizing the government subject to be altered by every legislative assembly; and though no general change in it has been made, yet its effect has been controlled in several special cases. It is therefore thought that that State will appoint a convention for the special purpose of forming a stable constitution. I think no change has been made in any other of the States.

3. The following is a rough estimate of the particular debts of some of the States as they existed in the year 1784:

New Hampshire	$500,000
Rhode Island	5,000,000
Massachusetts	430,000
Connecticut	3,439,086⅔
Virginia	2,300,000

United States' principal of Foreign debt nearly	$7,000,000
The principal of the Domestic debt is somewhere between 27½ millions and 35½ millions, call it therefore .	31,300,000
	$38,300,000

The other States not named here, are probably indebted in the same proportion to their abilities. If so, and we estimate their abilities by the rule of quotaing them, those eight States will owe about fourteen millions, and consequently the particular debts of all the States

will amount to twenty-five or twenty-six millions of dollars.

5. A particular answer to this question would lead to very minute details: one general idea, however, may be applied to all the States. Each having their separate debt, and a determinate proportion of the Federal debt, they endeavor to lay taxes sufficient to pay the interest of both of these, and to support their own and the Federal Government. These taxes are generally about one or one and a half per cent. on the value of property; and from two and a half to five per cent. on foreign merchandise imported. But the payment of this interest regularly, is not accomplished in many of the States. The people are as yet not recovered from the depredations of the war. When that ended their houses were in ruin, their farms waste, themselves distressed for clothing and necessaries for their households. They cannot as yet, therefore, bear heavy taxes. For the payment of the principal no final measures are yet taken. Some States will have land for sale, the produce of which may pay the principal debt. Some will endeavor to have an exceeding of their taxes to be applied as a sinking fund; and all of them look forward to the increase of population, and of course an increase of productions in their present taxes, to enable them to be sinking their debt. This is a general view. Some of the States have not yet made even just efforts for satisfying either the principal or interest of their public debt.

6. By the close of the year 1785 there had probably passed over about 50,000 emigrants. Most of these were Irish. The greatest number of the residue were Germans. Philadelphia receives most of them, and next to that, Baltimore and New York.

7. Nothing is decided as to Vermont. The four northernmost States wish it to be received into the Union. The Middle and Southern States are rather opposed to it. But the great difficulty arises with New York, which claims that territory. In the beginning every individual revolted at the idea of giving them up. Congress therefore only interfered from time to time, to prevent the two parties from coming to an open rupture. In the meanwhile the minds of the New Yorkers have been familiarizing to the idea of a separation, and I think it will not be long before they will consent to it. In that case, the Southern and Middle States will doubtless acquiesce, and Vermont will be received into the Union.

8. LeMaine, a part of the government of Massachusetts, but detached from it, (the State of New Hampshire lying between,) begins to desire to be separated. They are very weak in numbers as yet: but whenever they shall attain a certain degree of population, there are circumstances which render it highly probable they will be allowed to become a separate member of the Union.

9. It is believed that the State of Virginia has by this time made a second cession of lands to Con-

gress, comprehending all those between the meridian of the mouth of the Great Kanhaway, the Ohio, Mississippi, and Carolina boundary. Within this lies Kentucky. I believe that their numbers are sufficient already to entitle them to come into Congress. And their reception there will only increase the delay necessary for taking the consent of the several Assemblies. There is no other new State as yet approaching the time of its reception.

10. The number of Royalists which left New York, South Carolina and Georgia, when they were evacuated by the British army, was considerable, but I am absolutely unable to conjecture their numbers. From all the other States, I suppose perhaps two thousand may have gone.

11. The Confederation is a wonderfully perfect instrument, considering the circumstances under which it was formed. There are, however, some alterations which experience proves to be wanting. These are principally three. 1. To establish a general rule for the admission of new States into the Union. By the confederation no new States, except Canada, can be permitted to have a vote in Congress without first obtaining the consent of all the thirteen legislatures. It becomes necessary to agree what districts may be established into separate States, and at what period of their population they may come into Congress. The act of Congress of April 23, 1784, has pointed out what ought to be agreed on, to say also what number of votes

must concur when the number of voters shall be thus enlarged. 2. The Confederation, in its eighth article, decides that the quota of money to be contributed by the several States shall be proportioned to the value of the landed property in the State. Experience has shown it impracticable to come at this value. Congress have therefore recommended to the States to agree that their quotas shall be in proportion to the number of their inhabitants, counting five slaves, however, but as equal to three free inhabitants. I believe all the States have agreed to this alteration except Rhode Island. 3. The Confederation forbids the States individually to enter into treaties of commerce, or of any other nature, with foreign nations: and it authorizes Congress to establish such treaties, with two reservations however, viz., that they shall agree to no treaty which would, 1. restrain the legislatures from imposing such duties on foreigners as natives are subject to; or 2., from prohibiting the exportation or importation of any species of commodities. Congress may therefore be said to have a power to regulate commerce so far as it can be effected by conventions with other nations, and by conventions which do not infringe the two fundamental reservations before mentioned. But this is too imperfect. Because, till a convention be made with any particular nation, the commerce of any one of our States with that nation may be regulated by the State itself, and even when a convention

is made, the regulation of the commerce is taken out of the hands of the Several States only so far as it is covered or provided for by that convention or treaty. But treaties are made in such general terms, that the greater part of the regulations would still result to the legislatures. Let us illustrate these observations by observing how far the commerce of France and England can be affected by the State legislatures. As to England, any one of the legislatures may impose on her goods double the duties which are paid other nations; may prohibit their goods altogether; may refuse them the usual facilities for recovering their debts or withdrawing their property; may refuse to receive their Consuls or to give those Consuls any jurisdiction. But with France, whose commerce is protected by a treaty, no State can give any molestation to that commerce which is defended by the treaty. Thus, though a State may exclude the importation of all wines (because one of the reservations aforesaid is that they may prohibit the importation of any species of commodities), yet they cannot prohibit the importation of French wines, particularly while they allow wines to be brought in from other countries. They cannot impose heavier duties on French commodities than on those of other nations. They cannot throw peculiar obstacles in the way of their recovery of debts due to them, etc., etc., because those things are provided for by treaty. Treaties, however, are very imperfect machines for regulating

commerce in the detail. The principal objects in the regulation of our commerce would be: 1. to lay such duties, restrictions, or prohibitions on the goods of any particular nation, as might oblige that nation to concur in just and equal arrangements of commerce. 2. To lay such uniform duties on the articles of commerce throughout all the States, as may avail them of that fund for assisting to bear the burden of public expenses. Now, this cannot be done by the States separately, because they will not separately pursue the same plan. New Hampshire cannot lay a given duty on a particular article unless Massachusetts will do the same, because it will turn the importation of that article from her ports into those of Massachusetts, from whence they will be smuggled into New Hampshire by land. But though Massachusetts were willing to concur with New Hampshire in laying the same duty, yet she cannot do it for the same reason, unless Rhode Island will also, nor can Rhode Island without Connecticut, nor Connecticut without New York, nor New York without New Jersey, and so on quite to Georgia. It is visible, therefore, that the commerce of the States cannot be regulated to the best advantage but by a single body, and no body so proper as Congress. Many of the States have agreed to add an article to the Confederation for allowing to Congress the regulation of their commerce, only providing that the revenues to be raised on it shall belong to the States in which they are levied. Yet

it is believed that Rhode Island will prevent this also. An everlasting recurrence to this same obstacle will occasion a question to be asked. How happens it that Rhode Island is opposed to every useful proposition? Her geography accounts for it, with the aid of one or two observations. The cultivators of the earth are the most virtuous citizens, and possess most of the amor patriæ. Merchants are the least virtuous, and possess the least of the amor patriæ. The latter reside principally in the seaport towns, the former in the interior country. Now, it happened that of the territory constituting Rhode Island and Connecticut, the part containing the seaports was erected into a State by itself, called Rhode Island, and that containing the interior country was erected into another State called Connecticut. For though it has a little sea-coast, there are no good ports in it. Hence it happens that there is scarcely one merchant in the whole State of Connecticut, while there is not a single man in Rhode Island who is not a merchant of some sort. Their whole territory is but a thousand square miles, and what of that is in use is laid out in grass farms almost entirely. Hence they have scarcely anybody employed in agriculture. All exercise some species of commerce. This circumstance has decided the characters of these two States. The remedies to this evil are hazardous. One would be to consolidate the two States into one. Another would be to banish Rhode Island

from the Union. A third, to compel her submission to the will of the other twelve. A fourth, for the other twelve to govern themselves according to the new propositions, and to let Rhode Island go on by herself according to the ancient articles. But the dangers and difficulties attending all these remedies are obvious.

These are the only alterations proposed to the confederation, and the last of them is the only additional power which Congress is thought to need.

12. Congress have not yet ultimately decided at what rates they will redeem the paper money in the hands of the holders. But a resolution of 1784 has established the principle, so that there can be little doubt but that the holders of paper money will receive as much real money as the paper was actually worth at the time they received it, and an interest of six per cent. from the time they received it. Its worth will be found in the depreciation table of the State wherein it was received; these depreciation tables having been formed according to the market price of the paper money at different epochs.

13. Those who talk of the bankruptcy of the United States, are of two descriptions: 1. Strangers who do not understand the nature and history of our paper money. 2. Holders of that paper money who do not wish that the world should understand it. Thus, when in March, 1780, the paper money being so far depreciated that forty dollars of it would purchase only one silver dollar, Congress

endeavored to correct the progress of that depreciation by declaring they would emit no more, and would redeem what was in circulation at the rate of one dollar of silver for forty of paper; this was called by the brokers in paper money, a bankruptcy. Yet these very people who had only given one dollar's worth of provisions, of manufactures, or perhaps of silver, for their forty dollars, were displeased that they could not in a moment multiply their silver into forty. If it were decided that the United States should pay a silver dollar for every paper dollar they emitted, I am of opinion (conjecturing from loose data of my memory only as to the amount and true worth of the sums emitted by Congress and by the several States) that a debt, which in its just amount is not more, perhaps, than six millions of dollars, would amount up to four hundred millions, and instead of assessing every inhabitant with a debt of about two dollars, would fix on him thirty guineas, which is considerably more than the national debt of England affixes on each of its inhabitants, and would make a bankruptcy where there is none. The real just debts of the United States, which were stated under the third query, will be easily paid by the sale of their lands, which were ceded on the fundamental condition of being applied as a sinking fund for this purpose.

14. The whole army of the United States was disbanded at the close of the war. A few guards only were engaged for their magazines. Lately they

have enlisted some two or three regiments to garrison the posts along the Northern boundary of the United States.

16. The United States do not own, at present, a single vessel of war; nor has Congress entered into any resolution on that subject.

17. I conjecture there are six hundred and fifty thousand negroes in the five southernmost States, and not fifty thousand in the rest. In most of these latter, effectual measures have been taken for their future emancipation. In the former, nothing is done towards that. The disposition to emancipate them is strongest in Virginia. Those who desire it, form, as yet, the minority of the whole State, but it bears a respectable portion to the whole in numbers and weight of character, and it is continually recruiting by the addition of nearly the whole of the young men as fast as they come into public life. I flatter myself it will take place there at some period of time not very distant. In Maryland and North Carolina a very few are disposed to emancipate. In South Carolina and Georgia, not the smallest symptom of it, but, on the contrary, these two States, and North Carolina, continue importations of negroes. These have been long prohibited in all the other States.

18. In Virginia, where a great proportion of the legislature consider the Constitution but as other acts of legislation, laws have been frequently passed which controlled its effects. I have not heard that

in the other States they have ever infringed their Constitution, and I suppose they have not done it, as the Judges would consider any law as void which was contrary to the Constitution. Pennsylvania is divided into two parties very nearly equal, the one desiring to change the Constitution, the other opposing a change. In Virginia there is a part of the State which considers the act for organizing their government as a Constitution, and are content to let it remain; there is another part which considers it only as an ordinary act of the legislature, who, therefore, wish to form a real Constitution, correcting some defects which have been observed in the act now in force. Most of the young people as they come into office arrange themselves on this side, and I think they will prevail ere long. But there are no heats on this account. I do not know that any of the other States propose to change their Constitution.

19. I have heard of no malversations in office which have been of any consequence, unless we consider as such some factious transactions in the Pennsylvania Assembly; or some acts of the Virginia Assembly which have been contrary to their Constitution. The causes of these were explained in the preceding article.

20. Broils among the States may happen in the following ways: 1. A State may be embroiled with the othe twelver by not complying with the lawful requisitions of Congress. 2. Two States may differ

about their boundaries. But the method of settling these is fixed by the Confederation, and most of the States which have any differences of this kind, are submitting them to this mode of determination, and there is no danger of opposition to the decree by any State. The individuals interested may complain, but this can produce no difficulty. 3. Other contestations may arise between two States, such as pecuniary demands, affrays among their citizens, and whatever else may arise between any two nations; with respect to these, there are two opinions. One that they are to be decided according to the ninth article of the Confederation, which says that Congress shall be the last resort in all differences between two or more States, concerning boundary jurisdiction, *or any other cause whatever;* and prescribes the mode of decision, and the weight of reason is undoubtedly in favor of this opinion, yet there are some who question it.

It has been often said that the decisions of Congress are impotent because the Confederation provides no compulsory power. But when two or more nations enter into compact, it is not usual for them to say what shall be done to the party who infringes it. Decency forbids this, and it is as unnecessary as indecent, because the right of compulsion naturally results to the party injured by the breach. When any one State in the American Union refuses obedience to the Confederation by which they have bound themselves, the rest

have a natural right to compel them to obedience. Congress would probably exercise long patience before they would recur to force; but if the case ultimately required it, they would use that recurrence. Should this case ever arise, they will probably coerce by a naval force, as being more easy, less dangerous to liberty, and less likely to produce much bloodshed.

It has been said, too, that our governments, both federal and particular, want energy; that it is difficult to restrain both individuals and States from committing wrong. This is true, and it is an inconvenience. On the other hand, that energy which absolute governments derive from an armed force, which is the effect of the bayonet constantly held at the breast of every citizen, and which resembles very much the stillness of the grave, must be admitted also to have its inconveniences. We weigh the two together, and like best to submit to the former. Compare the number of wrongs committed with impunity by citizens among us with those committed by the sovereign in other countries, and the last will be found most numerous, most oppressive on the mind, and most degrading of the dignity of man.

22. The States differed very much in their proceedings as to British property, and I am unable to give the details. In Virginia, the sums sequestered in the treasury remain precisely as they did at the conclusion of the peace. The British having

refused to make satisfaction for the slaves they carried away, contrary to the treaty of peace, and to deliver up the ports within our limits, the execution of that treaty is in some degree suspended. Individuals, however, are paying off their debts to British subjects, and the laws even permit the latter to recover them judicially. But as the amount of these debts is twenty or thirty times the amount of all the money in circulation in that State, the same laws permit the debtor to pay his debts in seven equal and annual payments.

Notes on Monsieur Soulés' work.

PARIS, Sept. 13th, 1786.

SIR,—Before the receipt of your favor of the 11th instant I had written the enclosed short notes on such parts of your work as I have been yet able to go over. You will perceive that the corrections are very trifling. Such as they are, I will continue them, and forward them to you from time to time as I get along. I will endeavor also to answer such of the queries you propose in your letter as my memory will enable me to do with certainty. Some of them I shall be unable to answer, having left in America all my notes, memorandums, etc., which might have enabled me to give you the information you desire. I have the honor to be, with the most esteem and respect, Sir,

Your most obedient humble servant,

M. SOULÉS. TH: JEFFERSON.

Answers to the queries of M. Soulés.

I am unable to say what was the number of Americans engaged in the affair of Bunker's Hill. I am able, however, to set right a gross falsehood of Andrews. He says the Americans there engaged

were constantly relieved by fresh hands. This is entirely untrue. Bunker's Hill [or rather Breed's Hill whereon the action was] is a peninsula joined to the main land by a neck of land almost level with the water, a few paces wide, and about one or two hundred toises long. On one side of this neck lay a vessel of war, and on the other several gunboats. The body of our army was on the main land, and only a detachment had been sent into the peninsula. When the enemy determined to make the attack, they sent the vessel of war and gunboats to take the position before mentioned, to cut off all reinforcements, which they effectually did. Not so much as a company could venture to the relief of the men engaged, who therefore fought through the whole action, and at length were obliged to retire across the neck through the cross-fire of the vessels before mentioned.

"On the fall of Montgomery and his aids at Quebec there were present Colonel Campbell and Major Dubois. Campbell, though having the rank of colonel, was only of the staff; Dubois was of the line. The usage of all nations, therefore, authorized the latter to take the command. But it was a case for which Congress had not yet provided. Campbell availed himself of this; and believing, on the sight of blood, that all was lost, ordered a retreat."

The speech to the Indians, in Andrews', page 357, is a little altered and abridged. You will find the

genuine one in the Journal of Congress, of July, 1775. I do not distinctly enough recollect the anecdote of the old man's company, related by Andrews, to affirm it in all its parts. I think I recollect in general that there was such a company.

The questions relative to General Thomas, I could only have answered indistinctly from my own memory: but fortunately there came to Paris a few days ago, and will yet continue there a few days, a Colonel Blackden, an American officer of good understanding and of truth, and who was at the latter part of the affair of Quebec. He was at the surprise of Ticonderoga by Allen, and continued with the army until 1781. I have spoken with him on this subject, and find that he possesses treasures of details, which will be precious to M. Soulés. Any day that M. Soulés will do me the honor to come and take a *famile soupe* with me, (after the 16th instant,) if he will give me notice in the morning, I will ask Colonel Blackden to meet him here, and will make them acquainted. He is perfectly disposed to give all the information in his power to M. Soulés, and whatever he gives may be relied on. To him, then, I shall refer M. Soulés for answers to his military questions, and will wait his orders, recommending despatch, as Colonel Blackden has not long to stay.

The Stamp Act was passed in February, 1765.

What powers the Parliament might rightfully exercise over us, and whether any, had never been declared either by them or us. They had very

early taken the gigantic step of passing the Navigation Act. The colonies remonstrated violently against it, and one of them, Virginia, when she capitulated to the commonwealth of England, expressly capitulated for a free trade. [See the articles on the Notes on Virginia, p. 201.] This capitulation, however, was as little regarded as the original right, restored by it, had been. The Navigation Act was re-enacted by Charles, and was enforced. And we had been so long in the habit of seeing them consider us merely as objects for the extension of their *commerce*, and of submitting to every duty or regulation imposed with that view, that we had ceased to complain of them. But when they proposed to consider us as objects of *taxation*, all the States took the alarm. Yet so little had we attended to this subject, that our advocates did not at first know on what ground to take their stand. Mr. Dickenson, a lawyer of more ingenuity than sound judgment, and still more timid than ingenious, not daring to question the authority to regulate commerce so as best to answer their own purpose, to which we had so long submitted, admitted that authority in its utmost extent. He acknowledged * * * * * that they could levy duties, internal or external, payable in Great Britain or in the States. He only required that these duties should be bona fide for the *regulation* of commerce, and not to raise a solid *revenue*. He admitted, therefore, that they might

control our commerce, but not tax us. This mysterious system took, for a moment, in America as well as in Europe. But sounder heads saw in the first moment, that he who could put down the loom, could stop the spinning wheel, and he who could stop the spinning wheel could tie the hands which turned it. They saw that this flimsy fabric could not be supported. Who were to be judges whether duties were imposed with a view to burden and suppress a branch of manufacture, or to raise a revenue? If either party, exclusively of the other, it was plain where that would end. If both parties, it was plain where that would end also. They saw, therefore, no sure clue to lead them out of their difficulties but reason and right. They dared to follow them, assured that they alone could lead them to defensible ground. The first elements of reason showed that the members of Parliament could have no power which the people of the several counties had not. That these had naturally a power over their own farms, and, collectively, over all England. That if they had any power over counties out of England, it must be founded on compact or force. No compact could be shown, and neither party chose to bottom their pretensions on force. It was objected that this annihilated the Navigation Act. True, it does. The Navigation Act, therefore, becomes a proper subject of treaty between the two nations. Or if Great Britain does not choose to have its basis questioned, let us go on as

we have done. Let no new shackles be imposed, and we will continue to submit to the old. We will consider the restrictions on our commerce, now actually existing, as compensations yielded by us for the protection and privileges we actually enjoy, only trusting that if Great Britain, on a revisal of these restrictions, is sensible that some of them are useless to her and oppressive to us, she will repeal them. But on this she shall be free. Place us in the condition we were when the king came to the throne, let us rest so, and we will be satisfied. This was the ground on which all the States very soon found themselves rallied, and that there was no other which could be defended.

I will now proceed with remarks on the history. I do not think that M. Soulés mentioned the affair of the Cedars, which happened in April, 1775. This was an affair of no small importance. A committee was appointed by Congress to institute inquiries concerning it, as may be seen by the journal of June 14, 1776. The report of that committee is inserted in the journal of July the 10th, and I can assure M. Soulés, that the facts therein stated were proved unhesitatingly to the committee by witnesses present at the transactions, and who were on watch. I have the originals of that inquiry in my possession in America. The Captain Foster therein mentioned, was afterwards taken with Burgoyne's army, though permitted to go at large on his parole. He was not received into any American company, nor

did the British officers, his fellow prisoners, choose to be seen in company with him—so detestable had been the transaction, etc. Vol. i. p. 324. I have been very well informed, that during all the latter part of the defence, the garrison were obliged to return the cannon balls of the enemy, with which, indeed, the ground was covered, having none of their own left.

Page 325. "Il l'eut un Serjent," etc. This particular truly related in Andrews.

Page 5. "Ils en vinrent," etc. See the journal of Congress. That it was on that day put off to the 1st of July. This was done at the instance of the members opposed to it. The friends of the resolution objected, that if it were not agreed to till the 1st of July, they would after that have to frame a Declaration of Independence, and that more time would then be lost. It was therefore agreed between the two, that the resolution should be put off till the 1st of July; and that a committee should be immediately appointed to draw a Declaration of Independence, conformable to the resolution, should it be adopted. A committee was accordingly appointed the next day. On the 1st of July the resolution was proposed, and when ready for a vote, a State required it to be put off till the next day. It was done, and was passed the next day, 2d of July. The Declaration of Independence was debated the 2d, 3d and 4th days of July, and on the last of these was passed and signed.

Page 6th. A "se retirerent enseute du Congres." I do not remember that the delegates of Maryland retired from Congress, and I think I could not have forgotten such a fact. On the contrary, I find by the journal of Congress, that they were present, and acting on the 11th, 12th, 17th, 18th, and 24th of June.

Page 7. A "la plus grande partie." It should rather be the most important parts.

Page 7, 6. "Les etats ferrient encore aujourdhui partie de l'empire Britannique." M. Soulés may be assured that the submission of the States could not have been effected but by a long course of disasters, and such, too, as were irreparable in their nature. Their resources were great, and their determination so rooted, that they would have tried the last of them. I am as satisfied as I can be of anything, that the conjecture here stated would not have been verified by the event.

Page 14. "Provinces unis." Should not this always be "états unis?"

Page 15. "Mais qu'on pouvoir aussi les interpreter," etc. His exact answer was, "That it was true the, etc. might include *anything*, but that might also include *nothing*."

Page 16. "Tant de confiance," etc. Their main confidence was in their own resources. They considered foreign aid as probable and desirable, but not essential. I believe myself, from the whole of what I have seen of our resources and perseverance,

that had we never received any foreign aid, we should not have obtained our independence. But that we should have made a peace with Great Britain on any terms we pleased short of that, which would have been a subjection to the same king, a union of force in war, etc. 2. That had France supplied us plentifully with money, suppose about four millions of guineas a year, without entering into the war herself at all, we should have established our independence, but it would have cost more time and blood, but less money. 3. That France, aiding us as she did, with money and forces, shortened much the time, lessened the expense of blood, but at a greater expense of money to her than would have otherwise been requisite.

Page 18. "*L'extremité* septentrional," etc. I think the word "çotè" would be better adapted than "extremité" to the form of the island.

Page 21. "3000 hommes." Inquire of Colonel Blackden.

Perhaps the propositions of Congress to the Hessians may be worth mentioning. See their journals, 1776, Aug. 14.

I will make a general observation here on the events of Long Island, New York, etc., at this time. The maxim laid down by Congress to their generals was, that not a foot of territory was to be ceded to their enemies where there was a possibility of defending it. In consequence of these views, and against his own judgment, General Washington was

obliged to fortify and attempt to defend the city of New York. But that could not be defended without occupying the heights on Long Island which commanded the city of New York. He was therefore obliged to establish a strong detachment in Long Island to defend those heights. The moment that detachment was routed, which he had much expected, his first object was to withdraw them, and his second to evacuate New York. He did this, therefore, immediately, and without waiting any movement of the enemy. He brought off his whole baggage, stores and other implements, without leaving a single article except the very heaviest of his cannon and things of little value. I well remember his letter to Congress, wherein he expressed his wonder that the enemy had given him this leisure, as, from the heights they had got possession of, they might have compelled him to a very precipitate retreat. This was one of the instances where our commanding officers were obliged to conform to popular views, though they foresaw certain loss from it. Had he proposed at first to abandon New York, he might have been abandoned himself. An obedience to popular will cost us an army in Charleston in the year 1779.

Page 30. "Une fuite precipitée." It was a leisurely retreat, as I have before observed.

Page 41. "Que je n'ai prie obtener que d'un anglais." Colonel Blackden can probably give M. Soulés good intelligence on this affair. I think I

recollect the slaughter on Kniphausen's side to have been very great.

Volume 3. "Si dans son institution," etc.

This is a luminous idea, and worthy of being a little more developed. It places the question between Great Britain and America in the simplest form possible. No Englishman will pretend that a right to participate in government can be derived from any other source than a personal right, or a right of property. The conclusion is inevitable that he, who had neither his *person* nor *property* in America, could rightfully assume a participation in its government.

Page 17. The seeds of the war are here traced to their true source. The Tory education of the King was the first preparation for that change in the British government which that party never ceases to wish. This naturally ensured Tory administrations during his life. At the moment he came to the throne and cleared his hands of his enemies by the peace of Paris, the assumptions of unwarrantable right over America commenced. They were so signal, and followed one another so close, as to prove they were part of a system, either to reduce it under absolute subjection, and thereby make it an instrument for attempts on Britain itself, or to sever it from Britain, so that it might not be a weight in the Whig scale. This latter alternative, however, was not considered as the one which would take place. They knew so little of America, that

they thought it unable to encounter the little finger of Great Britain. M. de Soulés has well developed this subject. He is best judge whether anything more need be said on this subject.

Page 43. "Se le ministere anglais avoit eu la patience d'attendre," etc.

Having seen and intimately known the positions of the Americans at that moment, I am certain that this conjecture would not have been verified. The determined resolution with which they met every effort of the ministry, whether made in the form of force, fraud, or persuasion, gives us a moral certainty they would have been equally immovable, if tried in the way of privation here proposed.

Page 51. The substitution of Gage for Hutchinson was not intended as a favor, but, by putting the civil government into military hands, was meant to show they would enforce their measures by arms. See page 109, where Congress makes it one of their grievances.

Page 102. "Plusieurs criminals," etc. Notwithstanding the laws the English made, I think they never ventured to carry a single person to be tried in England. They knew that reprisals would be made, and probably on the person of the governor who ventured on the measure.

Page 149. The fact that the English commenced hostilities at Lexington being proved beyond question by us, and even acknowledged by the English, justice requires it should be plainly asserted and left

clear of doubt. Few of the facts which history asserts and relies on, have been so well established.

Page 150. "L'humanité des Britons." I doubt whether this is the character of the nation in general. But this history, and every one which is impartial, must in its relation of this war show, in such repeated instances, that they conducted it, both in theory and practice, on the most barbarous principles, that the expression here cited will stand in contradiction to the rest of the work. As examples of their theory, recollect the act of Parliament for constraining our prisoners, taken on the sea, to bear arms against their fathers, brothers, etc. For their practice, recollect the exciting the savages against us, insurrections of our slaves, sending our prisoners to the East Indies, killing them in prison ships, keeping them on half rations, and of the most unwholesome quality, cruel murders of unarmed individuals of every sex, massacres of those in arms after they had asked quarter, etc., etc.

Page 150. "A cé que l'on dét à 20,000 hommes." It was of 22,000 men. I was in a situation to know the fact from General Washington's own information.

Page 158. l. 8. Strike out "ét probablement," and insert "mais veritablement." I remember the fact well, and the leading persons of Connecticut, and particularly their delegates in Congress made no secret, that their object was to overawe New York into its duty. Page 159. "El frit resolvè de

la reduire [*i. e.*, nouvelle York] en cendre." This was proposed and considered in Congress, but they refused to come to this resolution, nor do I recollect that any other body resolved it.

Page 163. *Doctor* Franklin has been called by that title as early as 1760, within my own knowledge; I do not know how much longer.

His quality in France was that of Minister Plenipotentiary, and not as Ambassador. We have never appointed an Ambassador. France offered to receive one.

Page 166. The English set fire to Charleston. Query, as to the number of their killed.

Page 180. 181. Gates was and still is an inhabitant of Virginia. He never lived in any other State.

Page 190. "M. Arnold avoit formé une entreprise," etc. I never understood that he formed this enterprise, nor do I believe he did. I heard and saw all General Washington's letters on this subject. I do not think he mentioned Arnold as author of the proposition, yet he was always just in ascribing to every officer the merit of his own works; and he was disposed particularly in favor of Arnold. This officer is entitled to great merit in the execution, but to ascribe to him that of having formed the enterprise, is probably to ascribe to him what belongs to General Washington or some other person.

Page 209. "Et qu' il ne leur fut plus permis de lever la milice," etc. They had formerly had a law

on the subject of invasions and insurrections, which was of a perpetual tenor. They altered this law by one which was to be in force for a certain term of years only. That term of years effluxed at this time, the altering law expired, and therefore, the old one resumed its vigor. It was very imperfect, yet they chose to act under the color of that rather than without any color of law.

Page 216. "Dont elles se plaignorent." This seems to be the proper place to rectify a small error in the arrangement of facts, and to state the answer to the conciliatory proposition, which was, in truth, the first work of the Assembly. I have not here the journals of the Assembly, but there are certain circumstances which render it impossible for my memory to lead me astray. I was under appointment to attend the general Congress; but knowing the importance of the answer to be given to the conciliatory proposition, and that our leading Whig characters were then in Congress, I determined to attend on the Assembly, and, though a young member, to take on myself the carrying through an answer to the proposition. The Assembly met the 1st of June. I drew and proposed the answer, and carried it through the House with very little alteration, against the opposition of our timid members who wish to speak a different language. This was finished before the 11th of June, because on that day, I set out from Williamsburg to Philadelphia, and was the bearer of an authenticated copy of this

instrument to Congress. The effect it had in fortyfying their minds, and in deciding their measures, renders its true date important; because only Pennsylvania had as yet answered the proposition. Virginia was the second. It was known how Massachusetts would answer it, and the example of these three principal colonies would determine the measures of all the others, and of course the fate of the proposition. Congress received it, therefore, with much satisfaction. The Assembly of Virginia did not deliver the answer to Lord Dunmore till late in the session. They supposed it would bring on a dissolution of their body whenever they should deliver it to him; and they wished previously to get some important acts passed. For this reason they kept it up. I think that Lord Dunmore did not quit the Metropolis till he knew that the answer framed by the House was a rejection of the proposition, though that answer was not yet communicated to him regularly.

Page 231. "Quelques certaines de blancs." These were composed principally of Scotch merchants and factors, and some few English, who had settled in the country. I doubt whether there was a single native among them. If M. Soulés could therefore characterise more particularly who they were who joined Lord Dunmore, it would be an agreeable act of justice to the natives.

Page 283. "Les Americains qui avoit joint Milord Dunmore." The same observation applies to this.

Page 245. "Pendant l'eté, le congres general avoit eté occupé à dresser un plan pour former une confederation." It is necessary to set to rights here a fact which has been mistaken by every person who has written on this subject. I will do it from a perfect recollection of facts, but my memory does not enable me to state the date exactly. I was absent from Congress from the beginning of January, 1776, to the middle of May. Either just before I left Congress, or immediately on my return to it, (I rather think it was the former,) Doctor Franklin put into my hands the draught of a plan of Confederation, desiring me to read it, and tell him what I thought of it. I approved it highly. He showed it to others. Some thought as I did; others were revolted at it. We found it could not be passed, and the proposing it to Congress as the subject for any vote whatever would startle many members so much, that they would suspect we had lost sight of reconciliation with Great Britain, and that we should lose much more ground than we should gain by the proposition. Yet, that the idea of a more firm bond of union than the undefined one under which we then acted might be suggested and permitted to grow, Doctor Franklin informed Congress that he had sketched the outlines of an instrument which might become necessary at a future day, if the minority continued pertinacious, and would ask leave for it to lay on the table of Congress, that the members might in the meantime be turning the

subject in their minds, and have something more perfect prepared by the time it should become necessary. This was agreed to by the timid members, only on condition, that no entry whatever should be made in the journals of Congress relative to this instrument. This was to continue in force only till a reconciliation with Great Britain. This was all that ever was done or proposed in Congress on the subject of a Confederation before June, 1776, when the proposition was regularly made to Congress, a committee appointed to draw an instrument of Confederation, who accordingly drew one, very considerably differing from the sketch of Doctor Franklin.

Page 294. "Il est à croire qu'ily avoit quelque convention." It is well known that there was such a convention. It was never made a secret of, on our part. I do not exactly recollect its terms, but I believe they were what M. Soulés states.

Page 301. "La petite verole." I have been informed by officers who were on the spot, and whom I believe myself, that this disorder was sent into our army designedly by the commanding officer in Quebec. It answered his purpose effectually.

Napoleon as First Consul

Photogravure from the Original Painting by Guérin.

It was during Napoleon's supremacy as First Consul that the Purchase of Louisiana was effected. Secretly, on October 1, 1800, in exchange for a province in the North of Italy, Spain had ceded all Louisiana to France and Napoleon. The transaction was kept from publicity until the autumn of 1802, when the Spanish Intendant at New Orleans deprived the United States of the right of deposit at that port, thereby violating treaty stipulations. This unaccountable action aroused the Western people, and together with the Federalists they clamored for war. At this crisis, Congress, in secret session, voted two millions of dollars to be placed at the disposal of President Jefferson. Whereupon, in January, 1803, Jefferson sent James Monroe as Minister Plenipotentiary to join Robert R. Livingston, then Minister to France, to negotiate with Napoleon. The sum of two million dollars had been intended simply to buy the eastern shore of the Mississippi River, that navigation and means of deposit might be secured to the American people. But Napoleon (though his original intentions are thought to have been far from such a course), due to the need of funds to carry on an outbreak of war with England and Austria, offered the whole Louisiana territory to the commissioners for sixty million francs. Monroe and Livingston seized the opportunity, and the treaty was signed at Paris, May 2, 1803, and ratified in the United States Senate, October 20th, the same year. Napoleon said of the transfer of territory: "This accession of territory strengthens forever the power of the United States, and I have just given to England a maritime rival that will sooner or later humble her pride."

Napoleon as First Consul

Photogravure from the original Painting by Gérard.

Observations on the Letter of Monsieur de Calonnes, to Monsieur Jefferson, dated Fontainebleau, October 22d, 1786.

A committee was appointed, in the course of the last year, to take a view of the subjects of commerce which might be brought from the United States of America, in exchange for those of France, and to consider what advantages and facilities might be offered to encourage that commerce. The letter of Monsieur de Calonnes was founded on their report. It was conclusive as to the articles on which satisfactory information had been then obtained, and reserved for future consideration certain others needing further enquiry. It is proposed, now, to review those unfinished articles, that they also may be comprehended in the Arret, and the regulations on this branch of commerce be rendered complete.

1st. The letter promises to diminish the Droits du roi et d'amirauté, payable by an American vessel entering into a port of France, and to reduce what should remain into a single duty, which shall be regulated by the draught of the vessel, or her number of masts. It is doubted whether it will be expedient to regulate the duty in either of these ways. If by the draught of water, it will fall unequally on us as a nation; because we build our vessels sharp-bottomed, for swift sailing, so that they draw more water than those of other nations, of the same burden; if by the number of masts, it

will fall unequally on individuals, because we often see ships of one hundred and eighty tons, and brigs of three hundred and sixty. This, then, would produce an inequality among individuals of six to one. The present principle is the most just, to regulate by the burden.

It is certainly desirable that these duties should be reduced to a single one. Their names and numbers perplex and harass the merchant more than their amount, subject him to imposition, and to the suspicion of it where there is none. An intention of general reformation in this article has been accordingly announced[1] with augmentation as to foreigners. We are in hopes that this augmentation is not to respect us; because it is proposed as a measure of reciprocity; whereas, in some of our States no such duties exist, and in others they are extremely light; because we have been made to hope a diminution instead of augmentation; and because this distinction cannot draw on France any just claims from other nations, the *Jura gentis amicissimæ* conferred by her late treaties having reference expressly to the nations of Europe only; and those conferred by the more ancient ones not being susceptible of any other interpretation, nor admitting a pretension of reference to a nation which did not then exist, and which has come into existence under circumstances distinguishing its commerce from that of all other nations. Merchandise received from

[1] Memoires presentées à l'assemblée des Notables, page 53.

them takes employment from the poor of France; ours give it; theirs is brought in the last stage of manufacture, ours in the first; we bring our tobaccoes to be manufactured into snuff, our flax and hemps into linen and cordage, our furs into hats, skins into saddlery, shoes, and clothing; we take nothing till it has received the last hand.

2d. Fish-oils. The Hanseatic treaty was the basis on which the diminution of duty on this article was asked and granted. It is expressly referred to as such in the letter of Monsieur de Calonnes. Instead, however, of the expression "huile et graisse de baleine and d'autres poissons" used in that treaty, the letter uses the terms "huiles de baleine, spermaceti, et tout ce qui est compris sous ces denominations." And the farmers have availed themselves of this variation to refuse the diminution of duty on the oils of the vache marine, chien de mer, esturgeon, and other fish. It is proposed, therefore, to re-establish in the Arret the expressions of the Hanseatic treaty, and to add from the same treaty the articles "baleine coupee et fanon de baleine."

The letter states these regulations as finally made by the King. The merchants on this supposition entered into speculations. But they found themselves called on for the old duties, not only on other fish oils, but on the whale oil. Monsieur de Calonnes always promised that the Arret should be retrospective to the date of the letter, so as to refund to them the duties they had thus been obliged to pay. To

this attention is prayed in forming the Arret. His Majesty having been pleased, as an encouragement to the importation of our fish oils, to abolish the Droits de fabrication, it is presumed that the purpose [1] announced of continuing those duties on foreign oils will not be extended to us.

3d. Rice. The duty on this is only seven and a half deniers the quintal, or about one-quarter per cent. on its first cost. While this serves to inform the government of the quantities imported, it cannot discourage that importation. Nothing further, therefore, is necessary on this article.

4th. Potash. This article is of principal utility to France in her bleacheries of linen, glass-works, and soap-works; and the potash of America, being made of green wood, is known to be the best in the world. All duty on it was therefore abolished by the King. But the city of Rouen levies on it a duty of twenty sols the quintal, which is very sensible in its price, brings it dearer to the bleacheries near Paris, to those of Beauvais, Laval Company, and to the glass-works, and encourages them to give a preference to the potash or soda of other nations. This is a counteraction of the views of the King expressed in the letter, which it is hoped will be prevented.

5th. Turpentine, tar, and pitch, were not decided on the former occasion. Turpentine (Terebenthine) pays ten sols the quintal, and ten sols the livre, making fifteen sols the quintal; which is ten

[1] Memoires presentées ex. page 51, 52.

per cent. on its prime cost. Tar, (goudron, braigras) pays eight livres the leth of twelve barrels, and ten sols the livre, amounting to twenty sols the barrel, which is twelve and a half per cent. on its prime cost. Pitch (brai sec) pays ten sols the quintal, and ten sols the livre, making fifteen sols the quintal, which is twenty per cent. on its prime cost. Duties of from ten to twenty per cent. on articles of heavy carriage, prevent their importation. They eat up all the profits of the merchant, and often subject him to loss. This has been much the case with respect to turpentine, tar, and pitch, which are a principal article of remittance for the State of North Carolina. It is hoped that it will coincide with the views of government in making the present regulations, to suppress the duties on these articles, which of all others can bear them least.

Proposals for Concerted Operation among the Powers at War with the Piratical States of Barbary, November, 1786.[1]

1. It is proposed that the several powers at war with the piratical States of Barbary, (or any two

[1] This plan was approved by Portugal, Naples, the two Sicilies, Venice, Denmark, and Sweden. France seemed favorably disposed. Spain alone, having just concluded a treaty with Algiers, was indisposed. In this state of things, the plan was communicated to Congress, together with information that we would be expected to maintain a frigate towards its execution. Unfortunately, the supplies of the Treasury were so uncertain, that Congress were not willing to enter into an engagement which they might not be able to fulfil, and thus the plan failed.—Ed.

or more of them who shall be willing,) shall enter into a convention to carry on their operations against those States in concert, beginning with the Algerines.

2. This convention shall remain open to any other power who shall, at any future time, wish to accede to it: the parties reserving a right to prescribe the conditions of such accession according to the circumstances existing at the time it shall be proposed.

3. The object of the convention shall be to compel the piratical States to perpetual peace, without price, and to guarantee that peace to each other.

4. The operations for obtaining that peace shall be constant cruises on their coast, with a naval force to be agreed on. It is not proposed that this force shall be so considerable as to be inconvenient to any party. It is believed that half a dozen frigates, with as many tenders, or xebecks, one half of which shall be on cruise while the other half is at rest, will suffice.

5. The force agreed to be necessary, shall be furnished by the parties in certain quotas now to be fixed; it being expected that each will be willing to contribute in such proportion as circumstances may render reasonable.

6. As miscarriages often proceed from the want of harmony among officers of different nations, the parties shall now consider and decide, whether it shall not be better to contribute their quotas in money, to be employed in fitting out and keeping on duty, a single fleet of the force agreed on.

7. The difficulties and delays too, which will attend the management of these operations, if conducted by the parties themselves separately, distant as their courts may be from one another, and incapable of meeting in consultation, suggest a question whether it will not be better for them to give full powers for that purpose to their ambassadors or other minister resident at some one court of Europe, who shall form a committee or council for carrying this convention into effect; wherein the vote of each member shall be computed in proportion to the quota of his sovereign, and the majority, so computed, shall prevail in all questions within the view of this convention. The court of Versailles is proposed, on account of its neighborhood to the Mediterranean, and because all those powers are represented there who are likely to become parties to this convention.

8. To save to that council the embarrassment of personal solicitations for office, and to assure the parties that their contributions will be applied solely to the object for which they are destined, there shall be no establishment of officers for the said council, such as Commissaries, Secretaries, or of any other kind, with either salaries or perquisites, nor any other lucrative appointments, but such as whose functions are to be exercised on board of the said vessels.

9. Should war arise between any two of the parties to this convention, it shall not extend to this

enterprise, nor interrupt it; but as to this they shall be reputed at peace.

10. When Algiers shall be reduced to peace, the other piratical States, if they refuse to discontinue their piracies, shall become the objects of this convention either successively or together, as shall seem best.

11. Where this convention would interfere with treaties actually existing between any of the parties and of the said States of Barbary, the treaty shall prevail, and such party shall be allowed to withdraw from the operations against that State.

To the Editor of the Journal de Paris.

PARIS, August 29, 1787.

SIR,—I am a citizen of the United States of America, and have passed in those States almost the whole of my life. When young, I was passionately fond of reading books of history and travels. Since the commencement of the late Revolution which separated us from Great Britain, our country, too, has been thought worthy to employ the pens of historians and travellers. I cannot paint to you, Sir, the agonies which these have cost me, in obliging me to renounce these favorite branches of reading, and in discovering to me at length, that my whole life has been employed in nourishing my mind with fables and falsehoods. For thus I reason. If the histories of d'Auberteuil and of Longchamps, and

the travels of the Abbé Robin can be published in the face of the world, and can be read and believed by those who are cotemporary with the events they pretend to relate, how may we expect that future ages shall be better informed? Will those rise from their graves to bear witness to the truth, who would not, while living, lift their voices against falsehood? If cotemporary histories are thus false, what will future compilations be? And what are all those of preceding times? In your journal of this day, you announce and criticise a book under the title of "les ligues Acheenne, Suisse, & Hollandoise, et revolution des états unis d'e l'Amerique par M. de Mayer." I was no part of the Achaean, Swiss or Dutch confederacies, and have therefore nothing to say against the facts related of them. And you cite only one fact from his account of the American Revolution. It is in these words: "Monsieur Mayer assure qu'une seule voix, un seul homme, prononça l'independance des Etats unis. Ce fut, dit il, John Dickinson, un des Deputés de la Pensilvanie au Congrés. la veille, il avoit vôté pour la soumission. l'egalité des suffrages avoit suspendu la resolution; s'il eut persisté, le Congrés ne deliberoit point, il fut foible: il ceda aux instances de ceux qui avoient plus d'energie, plus d'eloquence, et plus de lumieres; il donna sa voix: l'Amerique lui doit une reconnaissance eternelle; c'est Dickinson qui l'a affranchie." The modesty and candor of Mr. Dickinson himself, Sir, would disavow every word of this paragraph,

except these—"il avoit voté pour la soumission." These are true, every other tittle false. I was on the spot, and can relate to you this transaction with precision. On the 7th of June, 1776, the delegates from Virginia moved, in obedience to instructions from their constituents, that Congress should declare the thirteen united colonies to be independent of Great Britain, that a confederation should be formed to bind them together, and measures be taken for procuring the assistance of foreign powers. The House ordered a punctual attendance of all their members the next day at ten o'clock, and then resolved themselves into a committee of the whole and entered on the discussion. It appeared in the course of the debates that seven States: viz., New Hampshire, Massachusetts, Rhode Island, Connecticut, Virginia, North Carolina and Georgia, were decided for a separation; but that six others still hesitated, to wit: New York, New Jersey, Pennsylvania, Delaware, Maryland, and South Carolina. Congress, desirous of unanimity, and seeing that the public mind was advancing rapidly to it, referred the further discussion to the first of July, appointing, in the mean time, a committee to prepare a Declaration of Independence, a second to form articles for the confederation of the States, and a third to propose measures for obtaining foreign aid. On the 28th of June, the Declaration of Independence was reported to the House, and was laid on the table for the consideration of the members. On

the first day of July, they resolved themselves into a committee of the whole, and resumed the consideration of the motion of June 7th. It was debated through the day, and at length was decided in the affirmative by the vote of nine States: viz., New Hampshire, Massachusetts, Rhode Island, Connecticut, *New Jersey*, *Maryland*, Virginia, North Carolina, and Georgia. Pennsylvania and South Carolina voted against it. Delaware, having but two members present, was divided. The delegates from New York declared they were for it, and their constituents also; but that the instructions against it which had been given them a twelvemonth before, were still unrepealed; that their convention was to meet in a few days, and they asked leave to suspend their vote till they could obtain a repeal of their instructions. Observe that all this was in a committee of the whole Congress, and that according to the mode of their proceedings, the resolution of that committee to declare themselves independent, was to be put to the same persons re-assuming their form as a Congress. It was now evening, the members exhausted by a debate of nine hours, during which all the powers of the soul had been distended with the magnitude of the object—without refreshment, without a pause—and the delegates of South Carolina desired that the final decision might be put off to the next morning, that they might still weigh in their own minds their ultimate vote. It was put off, and in the morning of the second of July they

joined the other nine States in voting for it. The members of the Pennsylvania delegation too, who had been absent the day before, came in and turned the vote of their State in favor of independence; and a third member of the State of Delaware, who, hearing of the division in the sentiments of his two colleagues, had travelled post to arrive in time, now came in and decided the vote of that State also for the resolution. Thus twelve States voted for it at the time of its passage, and the delegates of New York, the thirteenth State, received instructions within a few days to add theirs to the general vote: so that, instead of the "egalité des suffrages" spoken of by M. Mayer, there was not a dissenting voice. Congress proceeded immediately to consider the Declaration of Independence which had been reported by their committee on the 28th of June. The several paragraphs of that were debated for three days: viz., the second, third, and fourth of July. In the evening of the fourth they were finally closed, and the instrument approved by an unanimous vote and signed by every member, *except Mr. Dickinson.* Look into the Journal of Congress of that day, Sir, and you will see the instrument and the names of the signers, and that Mr. Dickinson's name is not among them. Then read again those words of your paper: "il (M. Mayer) assure qu'une seule voix, un seul homme, prononça l'independance des états unis, ce fut John Dickinson. —l'Amerique lui doit une reconnaissance eternelle;

c'est Dickinson qui l'a affranchie." With my regrets, and my adieus to history, to travels, to Mayer, and to you, Sir, permit me to mingle assurances of the great respect with which I have the honor to be, Sir, your most obedient and most humble servant.

Memoranda taken on a Journey from Paris into the Southern Parts of France, and Northern of Italy, in the year 1787.

CHAMPAGNE. March 3. *Sens* to *Vermanton*. The face of the country is in large hills, not too steep for the plough, somewhat resembling the Elk hill, and Beaver-dam hills of Virginia. The soil is generally a rich mulatto loam, with a mixture of coarse sand and some loose stone. The plains of the Yonne are of the same color. The plains are in corn, the hills in vineyard, but the wine not good. There are a few apple trees, but none of any other kind, and no inclosures. No cattle, sheep, or swine; fine mules.

Few châteaux; no farm-houses, all the people being gathered in villages. Are they thus collected by that dogma of their religion, which makes them believe, that to keep the Creator in good humor with His own works, they must mumble a mass every day? Certain it is, that they are less happy and less virtuous in villages, than they would be insulated with their families on the grounds they cultivate. The people are illy clothed. Perhaps they

have put on their worst clothes at this moment, as it is raining. But I observe women and children carrying heavy burdens, and laboring with the hoe. This is an unequivocal indication of extreme poverty. Men, in a civilized country, never expose their wives and children to labor above their force and sex, as long as their own labor can protect them from it. I see few beggars. Probably this is the effect of a police.

BURGUNDY. March 4. *Lucy le bois. Cussy les forges. Rouvray. Maison-neuve. Vitteaux. La Chaleure. Pont de Panis. Dijon.* The hills are higher and more abrupt. The soil, a good red loam and sand, mixed with more or less grit, small stone, and sometimes rock. All in corn. Some forest wood here and there, broom, whins and holly, and a few inclosures of quick hedge. Now and then a flock of sheep.

The people are well clothed, but it is Sunday. They have the appearance of being well fed. The Château de Sevigny, near Cussy les forges, is a charming situation. Between Maison-neuve and Vitteaux the road leads through an avenue of trees, eight American miles long, in a right line. It is impossible to paint the ennui of this avenue. On the summits of the hills which border the valley in which Vitteaux is, there is a parapet of rock, twenty, thirty, or forty feet perpendicular, which crowns the hills. The tops are nearly level, and appear to be covered with earth. Very singular. Great

masses of rock in the hills between la Chaleure and Pont de Panis, and a conical hill in the approach to the last place.

Dijon. The tavern price of a bottle of the best wine (*e. g.* of Vaune) is four livres. The best round potatoes here I ever saw. They have begun a canal thirty feet wide, which is to lead into the Saone at ———. It is fed by springs. They are not allowed to take any water out of the riviere d'Ouche, which runs through this place, on account of the mills on that river. They talk of making a canal to the Seine, the nearest navigable part of which at present is fifteen leagues from hence. They have very light wagons here for the transportation of their wine. They are long and narrow; the fore wheels as high as the hind. Two pieces of wine are drawn by one horse in one of these wagons. The road in this part of the country is divided into portions of forty or fifty feet by stones, numbered, which mark the task of the laborers.

March 7 and 8. From *la Baraque* to *Chagny.* On the left are plains which extend to the Saone, on the right the ridge of mountains called the Cote. The plains are of a reddish-brown, rich loam, mixed with much small stone. The Cote has for its basis a solid rock, on which is about a foot of soil and small stone, in equal quantities, the soil red and of middling quality. The plains are in corn; the Cote in vines. The former have no inclosures, the latter is in small ones of dry stone wall. There is a good

deal of forest. Some small herds of small cattle and sheep. Fine mules, which come from Provence, and cost twenty louis. They break them at two years old, and they last to thirty.

The corn lands here rent for about fifteen livres the arpent. They are now planting, pruning, and sticking their vines. When a new vineyard is made, they plant the vines in gutters about four feet apart. As the vines advance, they lay them down. They put out new shoots, and fill all the intermediate space, till all trace of order is lost. They have ultimately about one foot square to each vine. They begin to yield good profit at five or six years old, and last one hundred, or one hundred and fifty years A vigneron at Voulenay carried me into his vineyard, which was of about ten arpents. He told me that some years it produced him sixty pieces of wine, and some, not more than three pieces. The latter is the most advantageous produce, because the wine is better in quality, and higher in price in proportion as less is made, and the expenses at the same time diminish in the same proportion. Whereas, when much is made, the expenses are increased, while the price and quality become less. In very plentiful years, they often give one half the wine for casks to contain the other half. The cask for two hundred and fifty bottles, costs six livres in scarce years, and ten in plentiful. The Feuillette is of one hundred and twenty-five bottles, the Piece of two hundred and fifty, and the Queue or Botte, of five

hundred. An arpent rents at from twenty to sixty livres. A farmer of ten arpents has about three laborers engaged by the year. He pays four louis to a man, and half as much to a woman, and feeds them. He kills one hog, and salts it, which is all the meat used in the family during the year. Their ordinary food is bread and vegetables. At Pommard and Voulenay, I observed them eating good wheat bread; at Meursault, rye. I asked the reason of this difference. They told me that the white wines fail in quality much oftener than the red, and remain on hand. The farmer, therefore, cannot afford to feed his laborers so well. At Meursault, only white wines are made, because there is too much stone for the red. On such slight circumstances depends the condition of man! The wines which have given such celebrity to Burgundy, grow only on the Cote, an extent of about five leagues long, and half a league wide. They begin at Chambertin, and go through Vougeau, Romanie, Veaune, Nuys, Beaune, Pommard, Voulenay, Meursault, and end at Monrachet. Those of the two last are white, the others red. Chambertin, Vougeau and Veaune are strongest, and will bear transportation and keeping. They sell, therefore, on the spot for twelve hundred livres the queue, which is forty-eight sous the bottle. Voulenay is the best of the other reds, equal in flavor to Chambertin, etc., but being lighter, will not keep, and therefore sells for not more than three hundred livres the queue, which is twelve sous the

bottle. It ripens sooner than they do, and consequently is better for those who wish to broach at a year old. In like manner of the white wines, and for the same reason, Monrachet sells for twelve hundred livres the queue (forty-eight sous the bottle), and Meursault of the best quality, viz., the Goutte d'or, at only one hundred and fifty livres (six sous the bottle). It is remarkable, that the best of each kind, that is, of the red and white, is made at the extremities of the line, to wit, at Chambertin and Monrachet. It is pretended that the adjoining vineyards produce the same qualities, but that belonging to obscure individuals, they have not obtained a name, and therefore sell as other wines. The aspect of the Cote is a little south of east. The western side is also covered with vines, and is apparently of the same soil, yet the wines are of the coarsest kinds. Such, too, are those which are produced in the plains; but there the soil is richer and less strong. Vougeau is the property of the monks of Citeaux, and produces about two hundred pieces. Monrachet contains about fifty arpents, and produces, one year with another, about one hundred and twenty pieces. It belongs to two proprietors only, Monsieur de Clarmont, who leases to some wine merchants, and the Marquis de Sarsnet, of Dijon, whose part is farmed to a Monsieur de la Tour, whose family for many generations have had the farm. The best wines are carried to Paris by land. The transportation costs thirty-six livres the

piece. The more indifferent go by water. Bottles cost four and a half sous each.

March 9. *Chalons. Sennecy. Tournus. St. Albin. Macon.* On the left are the fine plains of the Saone; on the right, high lands, rather waving than hilly, sometimes sloping gently to the plains, sometimes dropping down in precipices, and occasionally broken into beautiful valleys by the streams which run into the Saone. The plains are a dark rich loam, in pasture and corn; the heights more or less red or reddish, always gritty, of middling quality only, their sides in vines, and their summits in corn. The vineyards are inclosed with dry stone walls, and there are some quick hedges in the corn grounds. The cattle are few and indifferent. There are some good oxen, however. They draw by the head. Few sheep, and small. A good deal of wood lands.

I passed three times the canal called le Charollois, which they are opening from Chalons on the Saone to Dijon on the Loire. It passes near Chagny, and will be twenty-three leagues long. They have worked on it three years, and will finish it in four more. It will reanimate the languishing commerce of Champagne and Burgundy, by furnishing a water transportation for their wines to Nantes, which also will receive new consequence by becoming the emporium of that commerce. At some distance on the right are high mountains, which probably form the separation between the waters of the Saone and

Loire. Met a malefactor in the hands of one of the Marechausée; perhaps a dove in the talons of the hawk. The people begin now to be in separate establishments, and not in villages. Houses are mostly covered with tile.

Beaujolois. *Maison blanche. St. George. Château de Laye-Epinaye.* The face of the country is like that from Chalons to Macon. The plains are a dark rich loam, the hills a red loam of middling quality, mixed generally with more or less coarse sand and grit, and a great deal of small stone. Very little forest. The vineyards are mostly inclosed with dry stone wall. A few small cattle and sheep. Here, as in Burgundy, the cattle are all white.

This is the richest country I ever beheld. It is about ten or twelve leagues in length, and three, four, or five in breadth; at least, that part of it which is under the eye of the traveller. It extends from the top of a ridge of mountains, running parallel with the Saone, and sloping down to the plains of that river, scarcely anywhere too steep for the plough. The whole is thick set with farm-houses, chateaux, and the Bastides of the inhabitants of Lyons. The people live separately, and not in villages. The hillsides are in vine and corn; the plains in corn and pasture. The lands are farmed either for money, or on half-stocks. The rents of the corn lands, farmed for money, are about ten or twelve livres the arpent. A farmer takes, perhaps, about one hundred and fifty arpents, for three, six, or nine years. The

first year they are in corn; the second in other small grain, with which he sows red clover. The third is for the clover. The spontaneous pasturage is of green sward, which they call fromenteau. When lands are rented on half-stocks, the cattle, sheep, etc., are furnished by the landlord. They are valued, and must be left of equal value. The increase of these, as well as the produce of the farm, is divided equally. These leases are only from year to year. They have a method of mixing beautifully the culture of vines, trees, and corn. Rows of fruit trees are planted about twenty feet apart. Between the trees, in the row, they plant vines four feet apart, and espalier them. The intervals are sowed alternately in corn, so as to be one year in corn, the next in pasture, the third in corn, the fourth in pasture, etc. One hundred toises of vines in length, yield generally about four pieces of wine. In Dauphiné, I am told, they plant vines only at the roots of the trees, and let them cover the whole trees. But this spoils both the wine and the fruit. Their wine when distilled, yields but one-third its quantity in brandy. The wages of a laboring man here, are five louis; of a woman, one half. The women do not work with the hoe; they only weed the vines, the corn, etc., and spin. They speak a patois very difficult to understand. I passed some time at the Chateau de Laye-Epinaye. Monsieur de Laye has a seignory of about fifteen thousand arpents, in pasture, corn, vines, and wood. He

has over this, as is usual, a certain jurisdiction, both criminal and civil. But this extends only to the first crude examination, which is before his judges. The subject is referred for final examination and decision, to the regular judicatures of the country. The Seigneur is keeper of the peace on his domains. He is therefore subject to the expenses of maintaining it. A criminal prosecuted to sentence and execution, costs M. de Laye about five thousand livres. This is so burdensome to the Seigneurs, that they are slack in criminal prosecutions. A good effect from a bad cause. Through all Champagne, Burgundy, and the Beaujolois, the husbandry seems good, except that they manure too little. This proceeds from the shortness of their leases. The people of Burgundy and Beaujolois are well clothed, and have the appearance of being well fed. But they experience all the oppressions which result from the nature of the general government, and from that of their particular tenures, and of the seignorial government to which they are subject. What a cruel reflection, that a rich country cannot long be a free one. M. de Laye has a Diana and Endymion, a very superior morsel of sculpture by Michael Angelo Slodtz, done in 1740. The wild gooseberry is in leaf; the wild pear and sweet briar in bud.

Lyons. There are some feeble remains here, of an amphitheatre of two hundred feet diameter, and of an aqueduct in brick. The Pont d'Ainay has

nine arches of forty feet from centre to centre. The piers are of six feet. The almond is in bloom.

DAUPHINÉ. From *St. Fond* to *Mornas*. March 15, 16, 17, 18. The Rhone makes extensive plains, which lie chiefly on the eastern side, and are often in two stages. Those of Montelimart are three or four miles wide, and rather good. Sometimes, as in the neighborhood of Vienne, the hills come in precipices to the river, resembling then very much our Susquehanna and its hills, except that the Susquehanna is ten times as wide as the Rhone. The highlands are often very level. The soil, both of hill and plain, where there is soil, is generally tinged, more or less, with red. The hills are sometimes mere masses of rock, sometimes a mixture of loose stone and earth. The plains are always stony, and, as often as otherwise, covered perfectly with a coat of round stones, of the size of the fist, so as to resemble the remains of inundations, from which all the soil has been carried away. Sometimes they are middling good, sometimes barren. In the neighborhood of Lyons, there is more corn than wine. Towards Tains, more wine than corn. From thence, the plains, where best, are in corn, clover, almonds, mulberries, walnuts; where there is still some earth, they are in corn, almonds, and oaks. The hills are in vines. There is a good deal of forest-wood near Lyons, but not much afterwards. Scarcely any inclosures. There are a few small sheep before we reach Tains; there the number increases.

Nature never formed a country of more savage aspect, than that on both sides the Rhone. A huge torrent rushes like an arrow between high precipices, often of massive rock, at other times of loose stone, with but little earth. Yet has the hand of man subdued this savage scene, by planting corn where there is a little fertility, trees where there is still less, and vines where there is none. On the whole, it assumes a romantic, picturesque, and pleasing air. The hills on the opposite side of the river, being high, steep, and laid up in terraces, are of a singular appearance. Where the hills are quite in waste, they are covered with broom, whins, box, and some clusters of small pines. The high mountains of Dauphiné and Languedoc are now covered with snow. The almond is in general bloom, and the willow putting out its leaf. There were formerly olives at Pains; but a great cold, some years ago, killed them, and they have not been replanted. I am told at Montelimart, that an almond tree yields about three livres profit a year. Supposing them three toises apart, there will be one hundred to the arpent, which gives three hundred livres a year, besides the corn growing on the same ground. A league below Vienne, on the opposite side of the river, is Cote Rotie. It is a string of broken hills, extending a league on the river, from the village of Ampuys to the town of Condrieux. The soil is white, tinged a little, sometimes, with yellow, sometimes with red, stony, poor, and laid up in terraces. Those

parts of the hills only, which look to the sun at midday, or the earlier hours of the afternoon, produce wines of the first quality. Seven hundred vines, three feet apart, yield a feuillette, which is about two and a half pieces, to the arpent. The best red wine is produced at the upper end, in the neighborhood of Ampuys; the best white, next to Condrieux. They sell of the first quality and last vintage, at one hundred and fifty livres the piece, equal to twelve sous the bottle. Transportation to Paris is sixty livres, and the bottle four sous; so it may be delivered at Paris in bottles, at twenty sous. When old, it costs ten or eleven louis the piece. There is a quality which keeps well, bears transportation, and cannot be drunk under four years. Another must be drunk at a year old. They are equal in flavor and price.

The wine called Hermitage is made on the hills impending over the village of Tains; on one of which is the hermitage, which gives name to the hills for about two miles, and to the wine made on them. There are but three of those hills which produce wine of the first quality, and of these, the middle regions only. They are about three hundred feet perpendicular height, three-quarters of a mile in length, and have a southern aspect. The soil is scarcely tinged red, consists of small rotten stone, and is, where the best wine is made, without any perceptible mixture of earth. It is in sloping terraces. They use a little dung. An homme de

vignes, which consists of seven hundred plants, three feet apart, yields generally about three quarters of a piece, which is nearly four pieces to the arpent. When new, the piece is sold at about two hundred and twenty-five livres; when old, at three hundred. It cannot be drunk under four years, and improves fastest in a hot situation. There is so little white made in proportion to the red, that it is difficult to buy it separate. They make the white sell the red. If bought separately, it is from fifteen to sixteen louis the piece, new, and three livres the bottle, old. To give quality to the red, they mix one eighth of white grapes. Portage to Paris is seventy-two livres the piece, weighing six hundred pounds. There are but about one thousand pieces of both red and white, of the first quality, made annually. Vineyards are never rented here, nor are laborers in the vineyard hired by the year. They leave buds proportioned to the strength of the vine; sometimes as much as fifteen inches. The last hermit died in 1751.

In the neighborhood of Montelimart, and below that, they plant vines in rows, six, eight, or ten feet apart, and two feet asunder in the row, filling the intervals with corn. Sometimes the vines are in double rows, two feet apart. I saw single asses in ploughs proportioned to their strength. There are few chateaux in this province. The people, too, are mostly gathered into villages. There are, however, some scattering farm-houses. These are made

either of mud, or of round stone and mud. They make inclosures also, in both those ways. Day laborers receive sixteen or eighteen sous the day, and feed themselves. Those by the year receive, men three louis, women half that, and are fed. They rarely eat meat; a single hog salted, being the year's stock for a family. But they have plenty of cheese, eggs, potatoes and other vegetables, and walnut oil with their salad. It is a trade here, to gather dung along the road for their vines. This proves they have few cattle. I have seen neither hares nor partridges since I left Paris, nor wild fowl on any of the rivers. The roads from Lyons to St. Rambert, are neither paved nor gravelled. After that, they are coated with broken flint. The ferry boats on the Rhone and the Isere, are moved by the stream, and very rapidly. On each side of the river is a movable stage, one end of which is on an axle and two wheels, which, according to the tide, can be advanced or withdrawn, so as to apply to the gunwale of the boat. The Prætorian palace at Vienne is forty-four feet wide, of the Corinthian order, four columns in front, and four in flank. It was begun in the year 400, and finished by Charlemagne. The Sepulchral pyramid, a little way out of the town, has an order for its basement, the pedestal of which, from point to point of its cap, is twenty-four feet one inch. At each angle, is a column, engaged one fourth in the wall. The circumference of the three fourths disengaged, is four feet

four inches; consequently, the diameter is twenty-three inches. The base of the column indicates it to be Ionic, but the capitals are not formed. The cornice, too, is a bastard Ionic, without modillions or dentils. Between the columns, on each side, is an arch of eight feet four inches, opening with a pilaster on each side of it. On the top of the basement is a zocle, in the plane of the frieze below. On that is the pyramid, its base in the plane of the collarins of the pilaster below. The pyramid is a little truncated on its top. This monument is inedited.

March 18th. *Principality of Orange.* The plains on the Rhone here are two or three leagues wide, reddish, good, in corn, clover, almonds, olives. No forests. Here begins the country of olives, there being very few till we enter this principality. They are the only tree which I see planted among vines. Thyme grows wild here on the hills. Asses, very small, sell here for two or three louis. The high hills in Dauphiné are covered with snow. The remains of the Roman aqueduct are of brick: a fine piece of Mosaic, still on its bed, forming the floor of a cellar. Twenty feet of it still visible. They are taking down the circular wall of the amphitheatre to pave a road.

March 19th to 23d. LANGUEDOC. *Pont St. Esprit. Bagnols. Connault. Valignieres. Remoulins. St. Gervasy. Nismes. Pont d'Arles.* To Remoulins, there is a mixture of hill and dale. Thence to Nismes, hills on the right, on the left, plains extend-

ing to the Rhone and the sea. The hills are rocky. Where there is soil, it is reddish and poor. The plains, generally reddish and good, but stony. When you approach the Rhone, going to Arles, the soil becomes a dark gray loam with some sand, and very good. The culture is corn, clover, St. foin, olives, vines, mulberries, willow, and some almonds. There is no forest. The hills are inclosed in dry stone wall. Many sheep.

From the summit of the first hill, after leaving Pont St. Esprit, there is a beautiful view of the bridge at about two miles distance, and a fine landscape of the country both ways. From thence, an excellent road, judiciously conducted, through very romantic scenes. In one part, descending the face of a hill, it is laid out in serpentine, and not zigzag, to ease the descent. In others, it passes through a winding meadow, from fifty to one hundred yards, walled, as it were, on both sides, by hills of rock; and at length issues into plain country. The waste hills are covered with thyme, box, and chene-vert. Where the body of the mountains has a surface of soil, the summit has sometimes a crown of rock, as observed in Champagne. At Nismes, the earth is full of limestone. The horses are shorn. They are now pruning the olive. A very good tree produces sixty pounds of olives, which yield fifteen pounds of oil; the best quality sells at twelve sous the pound retail, and ten sous, wholesale. The high hills of Languedoc still covered with snow. The horse

chestnut and mulberry are leafing; apple trees and peas blossoming. The first butterfly I have seen. After the vernal equinox, they are often six or eight months without rain. Many separate farm-houses, numbers of people in rags, and abundance of beggars. The mine of wheat, weighing thirty pounds, costs four livres and ten sous. Wheat bread, three sous the pound. Vin ordinaire, good, and of a strong body, two or three sous the bottle. Oranges, one sou apiece. They are nearly finishing at Nismes, a great mill, worked by a steam engine, which pumps water from a lower into an upper cistern, from whence two overshot wheels are supplied, each of which turns two pair of stones. The upper cistern being once filled with water, it passes through the wheels into the lower one, from whence it is returned to the upper by the pumps. A stream of water of one quarter or one half inch diameter, supplies the waste of evaporation, absorption, etc. This is furnished from a well by a horse. The arches of the Pont St. Esprit are of eighty-eight feet. Wild figs, very flourishing, grow out of the joints of the Pont du Gard. The fountain of Nismes is so deep, that a stone was thirteen seconds descending from the surface to the bottom.

March 24th. From *Nismes* to *Arles*. The plains extending from Nismes to the Rhone, in the direction of Arles, are broken in one place by a skirt of low hills. They are red and stony at first, but as you approach the Rhone, they are of a dark gray

mould, with a little sand, and very good. They are in corn and clover, vines, olives, almonds, mulberries, and willow. There are some sheep, no wood, no inclosures.

The high hills of Languedoc are covered with snow. At an ancient church, in the suburbs of Arles, are some hundreds of ancient stone coffins, along the roadside. The ground is thence called les champs elysées. In a vault in a church, are some curiously wrought, and in a back yard are many ancient statues, inscriptions, etc. Within the town, are a part of two Corinthian columns, and of the pediment with which they were crowned, very rich, having belonged to the ancient capitol of the place. But the principal monument here, is an amphitheatre, the external portico of which is tolerably complete. How many porticoes there were, cannot be seen: but at one of the principal gates, there are still five, measuring, from out to in, seventy-eight feet ten inches, the vault diminishing inwards. There are sixty-four arches, each of which is, from centre to centre, twenty feet six inches. Of course, the diameter is of four hundred and thirty-eight feet; or of four hundred and fifty feet, if we suppose the four principal arches a little larger than the rest. The ground-floor is supported on innumerable vaults. The first story, externally, has a tall pedestal, like a pilaster, between every two arches: the upper story, a column, the base of which would indicate it Corinthian. Every column is truncated

as low as the impost of the arch, but the arches are all entire. The whole of the upper entablature is gone, and of the Attic, if there was one. Not a single seat of the internal is visible. The whole of the inside, and nearly the whole of the outside, is masked by buildings. It is supposed there are one thousand inhabitants within the amphitheatre. The walls are more entire and firm than those of the amphitheatre at Nismes. I suspect its plan and distribution to have been very different from that.

Terrasson. The plains of the Rhone from Arles to this place, are a league or two wide: the mould is of a dark gray, good, in corn and lucerne. Neither wood, nor inclosures. Many sheep.

St. Remis. From Terrasson to St. Remis, is a plain of a league or two wide, bordered by broken hills of massive rock. It is gray and stony, mostly in olives. Some almonds, mulberries, willows, vines, corn, and lucerne. Many sheep. No forest, nor inclosures.

A laboring man's wages here, are one hundred and fifty livres, a woman's half, and fed. Two hundred and eighty pounds of wheat sell for forty-two livres. They make no butter here. It costs, when brought, fifteen sous the pound. Oil is ten sous the pound. Tolerably good olive trees yield, one with another, about twenty pounds of oil. An olive tree must be twenty years old before it has paid its own expenses. It lasts forever. In 1765, it was so cold that the Rhone was frozen over at Arles for two

months. In 1767, there was a cold spell of a week, which killed all the olive trees. From being fine weather, in one hour there was ice hard enough to bear a horse. It killed people on the road. The old roots of the olive trees put out again. Olive grounds sell for twenty-four livres a tree, and lease at twenty-four sous the tree. The trees are fifteen pieds apart. But lucerne is a more profitable culture. An arpent yields one hundred quintals of hay a year, worth three livres the quintal. It is cut four or five times a year. It is sowed in the broadcast, and lasts five or six years. An arpent of ground for corn, rents at from thirty to thirty-six livres. Their leases are for six or nine years. They plant willow for fire-wood, and for hoops to their casks. It seldom rains here in summer. There are some chateaux, many separate farm-houses, good, and ornamented in the small way, so as to show that the tenant's whole time is not occupied in procuring physical necessaries.

March 25th. *Orgon. Pontroyal. St. Cannat.* From Orgon to Pontroyal, after quitting the plains of the Rhone, the country seems still to be a plain, cut into compartments by chains of mountains of massive rock, running through it in various directions. From Pontroyal to St. Cannat, the land lies rather in basins. The soil is very various, gray and clay, gray and stony, red and stony; sometimes good, sometimes middling, often barren. We find some golden willows. Towards Pontroyal, the hills

begin to be in vines, and afterwards, in some pasture of green sward and clover. About Orgon are some inclosures of quick set, others of conical yews planted close. Towards St. Cannat, they begin to be of stone.

The high mountains are covered with snow. Some separate farm-houses of mud. Near Pontroyal is a canal for watering the country; one branch goes to Terrasson, the other to Arles.

March 25th, 26th, 27th, 28th. *Aix.* The country is waving, in vines, pasture of green sward and clover, much inclosed with stone, and abounding with sheep.

On approaching Aix, the valley which opens from thence towards the mouth of the Rhone and the sea, is rich and beautiful; a perfect grove of olive trees, mixed among which, are corn, lucerne, and vines. The waste grounds throw out thyme and lavender. Wheat bread is three sous the pound. Cow's milk sixteen sous the quart, sheep's milk six sous, butter of sheep's milk twenty sous the pound. Oil, of the best quality, is twelve sous the pound, and sixteen sous if it be virgin oil. This is what runs from the olive when put into the press, spontaneously; afterwards they are forced by the press and by hot water. Dung costs ten sous the one hundred pounds. Their fire-wood is chene-vert and willow. The latter is lopped every three years. An ass sells for from one to three louis; the best mules for thirty louis. The best asses will carry two hundred pounds; the best horses three hundred pounds; the best mules six hundred pounds. The temperature of the mineral

waters of Aix, is 90° of Fahrenheit's thermometer, at the spout. A mule eats half as much as a horse. The allowance to an ass for the day, is a handful of bran mixed with straw. The price of mutton and beef, about six and a half sous the pound. The beef comes from Auvergne, and is poor and bad. The mutton is small, but of excellent flavor. The wages of a laboring man are one hundred and fifty livres the year, a woman's sixty to sixty-six livres, and fed. Their bread is half wheat, half rye, made once in three or four weeks, to prevent too great a consumption. In the morning, they eat bread with an anchovy, or an onion. Their dinner in the middle of the day, is bread, soup, and vegetables. Their supper the same. With their vegetables, they have always oil and vinegar. The oil costs about eight sous the pound. They drink what is called piquette. This is made after the grapes are pressed, by pouring hot water on the pumice. On Sunday they have meat and wine. Their wood for building comes mostly from the Alps, down the Durance and Rhone. A stick of pine, fifty feet long, girting six feet and three inches at one end, and three feet three inches at the other, costs, delivered here, from fifty-four to sixty livres. Sixty pounds of wheat cost seven livres. One of their little asses will travel with his burden about five or six leagues a day, and day by day; a mule from six to eight leagues.[1]

[1] It is twenty American miles from Aix to Marseilles, and they call it five leagues. Their league, then, is of four American miles.

March 29. *Marseilles.* The country is hilly, intersected by chains of hills and mountains of massive rock. The soil is reddish, stony, and indifferent where best. Wherever there is any soil, it is covered with olives. Among these are corn, vines, some lucerne, mulberry, some almonds and willow. Neither inclosures, nor forest. A very few sheep.

On the road I saw one of those little whirlwinds which we have in Virginia, also some gullied hillsides. The people are in separate establishments. Ten morning observations of the thermometer, from the 20th to the 31st of March inclusive, made at Nismes, St. Remis, Aix and Marseilles, give me an average of $52\frac{1}{2}°$, and 46° and 61° for the greatest and least morning heats. Nine afternoon observations, yield an average of $62\frac{2}{3}°$, and 57° and 66° the greatest and least. The longest day here, from sunrise to sunset, is fifteen hours and fourteen minutes; the shortest is eight hours and forty-six minutes; the latitude being ———. There are no tides in the Mediterranean. It is observed to me, that the olive tree grows nowhere more than thirty leagues distant from that sea. I suppose, however, that both Spain and Portugal furnish proofs to the contrary, and doubt its truth as to Asia, Africa, and America. They are six or eight months at a time, here, without rain. The most delicate figs known in Europe, are those growing about this place, called figues Marcelloises, or les veritables Marcelloises, to

distinguish them from others of inferior quality growing here. These keep any length of time. All others exude a sugar in the spring of the year, and become sour. The only process for preserving them, is drying them in the sun, without putting anything to them whatever. They sell at fifteen sous the pound, while there are others as cheap as five sous the pound. I meet here a small dried grape from Smyrna without a seed. There are few of the plants growing in this neighborhood. The best grape for drying known here, is called des Panses. They are very large, with a thick skin and much juice. They are best against a wall of southern aspect, as their abundance of juice requires a great deal of sun to dry it. Pretty good fig trees are about the size of the apricot tree, and yield about twenty pounds of figs when dry, each. But the largest will yield the value of a louis. They are sometimes fifteen inches in diameter. It is said the Marseilles fig degenerates when transported into any other part of the country. The leaves of the mulberry tree will sell for about three livres, the purchaser gathering them. The caper is a creeping plant. It is killed to the roots every winter. In the spring it puts out branches, which creep to the distance of three feet from the centre. The fruit forms on the stem as that extends itself, and must be gathered every day as it forms. This is the work of women. The pistache grows in this neighborhood also, but not very good. They eat

them in their milky state. Monsieur de Bergasse has a wine cellar two hundred and forty pieds long, in which are one hundred and twenty tuns, of from fifty to one hundred pieces each. These tuns are twelve pieds diameter; the staves four inches thick, the heading two and a half pouces thick. The temperature of his cellar is of $9\frac{1}{2}°$ of Reaumur. The best method of packing wine, when bottled, is to lay the bottles on their side, and cover them with sand. The 2d of April, the young figs are formed; the 4th we have Windsor beans. They have had asparagus ever since the middle of March. The 5th, I see strawberries and the Guelder rose in blossom. To preserve the raisin, it is first dipped into ley and then dried in the sun. The aloe grows in the open ground. I measured a mule, not the largest, five feet and two inches high. Marseilles is in an amphitheatre, at the mouth of the Vaune, surrounded by high mountains of naked rock, distant two or three leagues. The country within that amphitheatre is a mixture of small hills, valleys, and plains. The latter are naturally rich. The hills and valleys are forced into production. Looking from the Chateau de Notre Dame de la Garde, it would seem as if there was a Bastide for every arpent. The plain land sells for one hundred louis the caterelle, which is less than an acre. The ground of the arsenal in Marseilles, sold for from fifteen to forty louis the square verge, being nearly the square yard English. In the fields open to the sea,

they are obliged to plant rows of canes, every here and there, to break the force of the wind. Saw at the Chateau Borelli, pumps worked by the wind.

April 6. From *Marseilles* to *Aubagne*. A valley on the Vaune, bordered on each side by high mountains of massive rock, on which are only some small pines. The interjacent valley is of small hills, valleys and plains, reddish, gravelly, and originally poor, but fertilized by art, and covered with corn, vines, olives, figs, almonds, mulberries, lucerne and clover. The river is twelve or fifteen feet wide, one or two feet deep, and rapid.

From *Aubagne* to *Cuges*, *Beausset*, *Toulon*. The road quitting the Vaune and its wealthy valley, a little after Aubagne, enters those mountains of rock, and is engaged with them about a dozen miles. Then it passes six or eight miles through a country still very hilly and stony, but laid up in terraces, covered with olives, vines and corn. It then follows for two or three miles a hollow between two of those high mountains, which has been found or made by a small stream. The mountains then, reclining a little from their perpendicular, and presenting a coat of soil, reddish and tolerably good, have given place to the little village of Olioules, in the gardens of which are oranges in the open ground. It continues hilly till we enter the plain of Toulon. On different parts of this road there are figs in the open fields. At Cuges, is a plain of about three-fourths of a mile in diameter, surrounded by high moun-

tains of rock. In this, the caper is principally cultivated. The soil is mulatto, gravelly, and of middling quality, or rather indifferent. The plants are set in quincunx, about eight feet apart. They have been covered during winter by a hill of earth a foot high. They are now inclosing, pruning and ploughing them.

Toulon. From Olioules to Toulon, the figs are in the open fields. Some of them have stems of fifteen inches diameter. They generally fork near the ground, but sometimes have a single stem of five feet long. They are as large as apricot trees. The olive trees of this day's journey are about the size of large apple trees. The people are in separate establishments. Toulon is in a valley at the mouth of the Goutier, a little river of the size of the Vaune; surrounded by high mountains of naked rock, leaving some space between them and the sea. This space is hilly, reddish, gravelly, and of middling quality, in olives, vines, corn, almonds, figs and capers. The capers are planted eight feet apart. A bush yields, one year with another, two pounds, worth twelve sous the pound. Every plant then, yields twenty-four sous, equal to one shilling sterling. An acre containing six hundred and seventy-six plants, would yield thirty-three pounds sixteen shillings sterling. The fruit is gathered by women, who can gather about twelve pounds a day. They begin to gather about the last of June, and end about the middle of October. Each plant must

be picked every day. These plants grow equally well in the best or worst soil, or even in the walls where there is no soil. They will last the life of a man or longer. The heat is so great at Toulon in summer, as to occasion very great cracks in the earth. Where the caper is in a soil that will admit it, they plough it. They have peas here through the winter, sheltering them occasionally; and they have had them ever since the 25th of March without shelter.

April 6. *Hieres.* This is a plain of two or three miles diameter, bounded by the sea on one side, and mountains of rock on the other. The soil is reddish, gravelly, tolerably good and well watered. It is in olives, mulberries, vines, figs, corn, and some flax. There are also some cherry trees. From Hieres to the sea, which is two or three miles, is a grove of orange trees, olives, and mulberries. The largest orange tree is of two feet diameter one way, and one foot the other, (for the section of all the larger ones would be an oval, not a round,) and about twenty feet high. Such a tree will yield about six thousand oranges a year. The garden of M. Fille, has fifteen thousand six hundred orange trees. Some years they yield forty thousand livres, some only ten thousand; but generally about twenty-five thousand. The trees are from eight to ten feet apart. They are blossoming and bearing all the year, flowers and fruit in every stage, at the same time. But the best fruit is that which is

gathered in April and May. Hieres is a village of about five thousand inhabitants, at the foot of a mountain which covers it from the north, and from which extends a plain of two or three miles to the sea-shore. It has no port. Here are palm trees twenty or thirty feet high, but they bear no fruit. There is also a botanical garden kept by the King. Considerable salt ponds here. Hieres is six miles from the public road. It is built on a narrow spur of the mountain. The streets in every direction are steep, in steps of stairs, and about eight feet wide. No carriage of any kind can enter it. The wealthiest inhabitants use *chaises a porteurs*. But there are few wealthy, the bulk of the inhabitants being laborers of the earth. At a league's distance in the sea, is an island on which is the Chateau de Geans, belonging to the Marquis de Pontoives; there is a causeway leading to it. The cold of the last November killed the leaves of a great number of the orange trees, and some of the trees themselves.

From Hieres to *Cuers*, *Pignans*, *Luc*, is mostly a plain, with mountains on each hand, at a mile or two distance. The soil is generally reddish, and the latter part very red and good. The growth is, olives, figs, vines, mulberries, corn, clover, and lucerne. The olive trees are from three to four feet in diameter. There are hedges of pomegranates, sweetbriar, and broom. A great deal of thyme growing wild. There are some inclosures of stone; some sheep and goats.

April 9th. From Luc to *Vidauban*, *Muy*, *Frejus*, the road leads through valleys, and crosses occasionally the mountains which separate them. The valleys are tolerably good, always red and stony, gravelly or gritty. Their produce as before. The mountains are barren.

Lesterelle, *Napoule*. Eighteen miles of ascent and descent, of a very high mountain. Its growth, where capable of any, two-leaved pine, very small, and some chene-vert.

Antibes, *Nice*. From Napoule, the road is generally near the sea, passing over little hills or strings of valleys, the soil stony, and much below mediocrity in its quality. Here and there, is a good plain.

There is snow on the high mountains. The first frogs I have heard, are of this day (the 9th). At Antibes are oranges in the open ground, but in small inclosures; palm trees also. From thence to the Var, are the largest fig trees and olive trees I have seen. The fig trees are eighteen inches in diameter, and six feet stem; the olives, sometimes six feet in diameter, and as large heads as the largest low-ground apple trees. This tree was but a shrub where I first fell in with it, and has become larger and larger to this place. The people are mostly in villages. The several provinces, and even cantons are distinguished by the form of the women's hats, so that one may know of what canton a woman is, by her hat.

Nice. The pine bur is used here for kindling fires.

The people are in separate establishments. With respect to the orange, there seems to be no climate on this side of the Alps, sufficiently mild in itself to preserve it without shelter. At Olioules, they are between two high mountains; at Hieres, covered on the north by a very high mountain; at Antibes and Nice, covered by mountains, and also within small high enclosures. Quere. To trace the true line from east to west, which forms the northern and natural limit of that fruit? Saw an elder tree (sambucus) near Nice, fifteen inches in diameter, and eight feet stem. The wine made in this neighborhood is good, though not of the first quality. There are one thousand mules, loaded with merchandise, which pass every week between Nice and Turin, counting those coming as well as going.

April 13th. *Scarena. Sospello.* There are no orange trees after we leave the environs of Nice. We lose the olive after rising a little above the village of Scarena, on Mount Braus, and find it again on the other side, a little before we get down to Sospello. But wherever there is soil enough, it is terraced, and in corn. The waste parts are either in two-leaved pine and thyme, or of absolutely naked rock. Sospello is on a little torrent, called Bevera, which runs into the river Roia, at the mouth of which is Ventimiglia. The olive trees on the mountain, are now loaded with fruit; while some at Sospello are in blossom. Firewood here and at Scarena, costs fifteen sous the quintal.

April 14th. *Ciandola. Tende.* In crossing Mount Brois, we lose the olive tree after getting to a certain height, and find it again on the other side at the village of Breglio. Here we come to the river Roia, which, after receiving the branch on which is Sospello, leads to the sea at Ventimiglia. The Roia is about twelve yards wide, and abounds with speckled trout. Were a road made from Breglio, along the side of the Roia, to Ventimiglia, it might turn the commerce of Turin to this last place instead of Nice; because it would avoid the mountains of Braus and Brois, leaving only that of Tende; that is to say, it would avoid more than half the difficulties of the passage. Further on, we come to the Chateau di Saorgio, where a scene is presented, the most singular and picturesque I ever saw. The castle and village seem hanging to a cloud in front. On the right, is a mountain cloven through, to let pass a gurgling stream; on the left, a river, over which is thrown a magnificent bridge. The whole forms a basin, the sides of which are shagged with rocks, olive trees, vines, herds, etc. Near here, I saw a tub wheel without a ream; the trunk descended from the top of the waterfall to the wheel, in a direct line, but with the usual inclination. The produce along this passage, is most generally olives, except on the heights as before observed; also corn, vines, mulberries, figs, cherries, and walnuts. They have cows, goats, and sheep. In passing on towards Tende, olives fail us ultimately at the village of

Fontan, and there the chestnut trees begin in good quantity. Ciandola consists of only two houses, both taverns. Tende is a very inconsiderable village, in which they have not yet the luxury of glass windows; nor in any of the villages on this passage, have they yet the fashion of powdering the hair. Common stone and limestone are so abundant, that the apartments of every story are vaulted with stone, to save wood.

April 15th. *Limone. Coni.* I see abundance of limestone as far as the earth is uncovered with snow; *i. e.*, within half or three-quarters of an hour's walk of the top. The snows descend much lower on the eastern than the western side. Wherever there is soil, there is corn quite to the commencement of the snows, and I suppose under them also. The waste parts are in two-leaved pine, lavender and thyme. From the foot of the mountain to Coni, the road follows a branch of the Po, the plains of which being narrow, and widen at length into a general plain country, bounded on one side by the Alps. They are good, dark colored, sometimes tinged with red, and in pasture, corn, mulberries, and some almonds. The hillsides bordering these plains, are reddish, and where they admit of it, are in corn; but this is seldom. They are mostly in chestnut, and often absolutely barren. The whole of the plains are plentifully watered from the river, as is much of the hillside. A great deal of golden willow all along the rivers, on the whole of this passage through the

Alps. The southern parts of France, but still more the passage through the Alps, enable one to form a scale of the tenderer plants, arranging them according to their several powers of resisting cold. Ascending three different mountains, Braus, Brois, and Tende, they disappear one after another; and descending on the other side, they show themselves again one after another. This is their order, from the tenderest to the hardiest. Caper, orange, palm, aloe, olive, pomegranate, walnut, fig, almond. But this must be understood of the plant; for as to the fruit, the order is somewhat different. The caper, for example, is the tenderest plant, yet being so easily protected, it is the most certain in its fruit. The almond, the hardiest plant, loses its fruit the oftenest, on account of its forwardness. The palm, hardier than the caper and the orange, never produces perfect fruit in these parts. Coni is a considerable town, and pretty well built. It is walled.

April 16th. *Centale. Savigliano. Racconigi. Poerino. Turin.* The Alps, as far as they are in view from north to south, show the gradation of climate, by the line which terminates the snows lying on them. This line begins at their foot northwardly, and rises, as they pass on to the south, so as to be half way up their sides on the most southern undulations of the mountain, now in view. From the mountains to Turin, we see no tree tenderer than the walnut. Of these, as well as of almonds and mulberries, there are a few; somewhat more of

vines, but most generally, willows and poplars. Corn is sowed with all these. They mix with them also clover and small grass. The country is a general plain; the soil dark, and sometimes, though rarely, reddish. It is rich, and much infested with wild onions. At Racconigi, I see the tops and shocks of maize, which prove it is cultivated here; but it can be in small quantities only, because I observe very little ground, but what has already something else in it. Here and there, are small patches prepared, I suppose, for maize. They have a method of planting the vine, which I have not seen before. At intervals of about eight feet, they plant from two to six plants of vine in a cluster. At each cluster they fix a forked staff, the plane of the prongs of the fork at a right angle with the row of vines. Athwart these prongs they lash another staff, like a handspike, about eight feet long, horizontally, seven or eight feet from the ground. Of course, it crosses the rows at right angles. The vines are brought from the foot of the fork up to this cross piece, turned over it, and conducted along over the next, the next, and so on, as far as they will extend, the whole forming an arbor eight feet wide and high, and of the whole length of the row, little interrupted by the stems of the vines, which being close around the fork, pass up through hoops, so as to occupy a space only of smaller diameter. All the buildings in this country are of brick, sometimes covered with plaster, sometimes not. There

is a very large and handsome bridge of seven arches over the torrent of Sangone. We cross the Po, in swinging batteaux. Two are placed side by side, and kept together by a plank floor, common to both and lying on the gunwales. The carriage drives on this, without taking out any of the horses. About one hundred and fifty yards up the river, is a fixed stake, and a rope tied to it, the other end of which is made fast to one side of the batteaux, so as to throw them oblique to the current. The stream then acting on them, as on an inclined plane, forces them across the current in the portion of a circle of which the rope is the radius. To support the rope in its whole length, there are two intermediate canoes, about fifty yards apart, in the heads of which are short masts. To the top of these, the rope is lashed, the canoes being free otherwise to concur with the general vibration, in their smaller arcs of circles. The Po is there, about fifty yards wide, and about one hundred in the neighborhood of Turin.

April 17th, 18th. *Turin.* The first nightingale I have heard this year, is to-day (18th). There is a red wine of Nebiule made in the neighborhood, which is very singular. It is about as sweet as the silky Madeira, as astringent on the palate as Bordeaux, and as brisk as Champagne. It is a pleasing wine. At Moncaglieri, about six miles from Turin, on the right side of the Po, begins a ridge of mountains, which, following the Po by Turin, after some

distance, spreads wide, and forms the duchy of Montferrat. The soil is mostly red, and in vines, affording a wine called Montferrat, which is thick and strong.

April 19th. *Settimo. Chivasco. Ciliano. S. Germano. Vercelli.* The country continues plain and rich, the soil black. The culture, corn, pasture, maize, vines, mulberries, walnuts, some willow and poplar. The maize bears a very small proportion to the small grain. The earth is formed into ridges from three to four feet wide, and the maize sowed in the broadcast on the higher parts of the ridge, so as to cover a third or half of the whole surface. It is sowed late in May. This country is plentifully and beautifully watered at present. Much of it is by torrents which are dry in summer. These torrents make a great deal of waste ground, covering it with sand and stones. These wastes are sometimes planted in trees, sometimes quite unemployed. They make hedges of willows, by setting the plants from one to three feet apart. When they are grown to the height of eight or ten feet, they bend them down, and interlace them one with another. I do not see any of these, however, which are become old. Probably, therefore, they soon die. The women here smite on the anvil, and work with the maul and spade. The people of this country are ill dressed in comparison with those of France, and there are more spots of uncultivated ground. The plough here is made with a single handle, which is a

beam twelve feet long, six inches in diameter below, and tapered to about two inches at the upper end. They use goads for the oxen, not whips. The first swallows I have seen, are to-day. There is a wine called Gatina, made in the neighborhood of Vercelli, both red and white. The latter resembles Calcavallo. There is also a red wine of Salusola which is esteemed. It is very light. In the neighborhood of Vercelli begin the rice fields. The water with which they are watered is very dear. They do not permit rice to be sown within two miles of the cities on account of the insalubrity. Notwithstanding this, when the water is drawn off the fields in August, the whole country is subject to agues and fevers. They estimate that the same measure of ground yields three times as much rice as wheat, and with half the labor. They are now sowing. As soon as sowed, they let on the water, two or three inches deep. After six weeks, or two months, they draw it off to weed; then let it on again, and it remains till August, when it is drawn off, about three or four weeks before the grain is ripe. In September they cut it. It is first threshed, then beaten in the mortar to separate the husk, then by different siftings it is separated into three qualities. Twelve rupes, equal to three hundred pounds of twelve ounces each, sell for sixteen livres, money of Piedmont, where the livre is exactly the shilling of England. Twelve rupes of maize sell for nine livres. The machine for separating the husk is thus made. In the axis of a

water-wheel are a number of arms inserted, which, as they revolve, catches each the cog of a pestle, lifts it to a certain height, and lets it fall again. These pestles are five and a quarter inches square, ten feet long, and at their lower end formed into a truncated cone of three inches diameter, where cut off. The conical part is covered with iron. The pestles are ten and a half inches apart in the clear. They pass through two horizontal beams, which string them, as it were, together, and while the mortises in the beams are so loose, as to let the pestles work vertically, it restrains them to that motion. There is a mortar of wood, twelve or fifteen inches deep, under each pestle, covered with a board, the hole of which is only large enough to let the pestle pass freely. There are two arms in the axis for every pestle, so that the pestle gives two strokes for every revolution of the wheel. Poggio, a muleteer, who passes every week between Vercelli and Genoa, will smuggle a sack of rough rice for me to Genoa; it being death to export it in that form. They have good cattle, and in good number, mostly cream-colored; and some middle-sized sheep. The streams furnish speckled trout.

April 20th. *Novara. Buffalora. Sedriano. Milan.* From Vercelli to Novara the fields are all in rice, and now mostly under water. The dams separating the several water-plats, or ponds, are set in willow. At Novara there are some figs in the gardens, in situations well protected. From Novara

to the Ticino, it is mostly stony and waste, grown up in broom. From Ticino to Milan, it is all in corn. Among the corn are willows, principally a good many mulberries, some walnuts, and here and there an almond. The country still a plain, the soil black and rich, except between Novara and the Ticino, as before mentioned. There is very fine pasture round Vercelli and Novara to the distance of two miles, within which rice is not permitted. We cross the Sisto on the same kind of vibrating or pendulum boat as on the Po. The river is eighty or ninety yards wide; the rope fastened to an island two hundred yards above, and supported by five intermediate canoes. It is about one and a half inches in diameter. On these rivers they use a short oar of twelve feet long, the flat end of which is hooped with iron, shooting out a prong at each corner, so that it may be used occasionally as a setting pole. There is snow on the Apennines, near Genoa. They have still another method here of planting the vine. Along rows of trees, they lash poles from tree to tree. Between the trees are set vines, which, passing over the pole, are carried on to the pole of the next tree, whose vines are in like manner brought to this, and twined together, thus forming the intervals between the rows of trees alternately into arbors and open space. They have another method also of making quick-set hedges. Willows are planted from one to two feet apart, and interlaced, so that every one is crossed by three or four others.

April 21st, 22d. *Milan.* Figs and pomegranates grow here unsheltered, as I am told. I saw none, and therefore suppose them rare. They had formerly olives; but a great cold in 1709 killed them, and they have not been replanted. Among a great many houses painted *al fresco*, the Casa Roma and Casa Candiani, by Appiani, and Casa Belgioiosa, by Martin, are superior. In the second is a small cabinet, the ceiling of which is in small hexagons, within which are cameos and heads painted alternately, no two the same. The salon of the Casa Belgioiosa is superior to anything I have ever seen. The mixture called Scaiola, of which they make their walls and floors, is so like the finest marble as to be scarcely distinguishable from it. The nights of the 20th and 21st instant the rice ponds froze half an inch thick. Drouths of two or three months are not uncommon here in summer. About five years ago, there was such a hail as to kill cats. The Count del Verme tells me of a pendulum odometer for the wheel of a carriage. Leases here are mostly for nine years. Wheat costs a louis d'or the one hundred and forty pounds. A laboring man receives sixty livres, and is fed and lodged. The trade of this country is principally rice, raw silk, and cheese.

April 23d. *Casino*, five miles from Milan. I examined another rice-beater of six pestles. They are eight feet nine inches long. Their ends, instead of being a truncated cone, have nine teeth of irou, bound closely together. Each tooth is a double

pyramid, joined at the base. When put together, they stand with the upper ends placed in contact, so as to form them into one great cone, and the lower ends diverging. The upper are socketed into the end of the pestle, and the lower, when a little blunted by use, are not unlike the jaw teeth of the mammoth, with their studs. They say here, that pestles armed with these teeth, clean the rice faster, and break it less. The mortar, too, is of stone, which is supposed as good as wood, and more durable. One half of these pestles are always up. They rise about twenty-one inches, and each makes thirty-eight strokes in a minute; one hundred pounds of rough rice is put into the six mortars, and beaten somewhat less than a quarter of an hour. It is then taken out, put into a sifter of four feet diameter, suspended horizontally; sifted there; shifted into another of the same size; sifted there; returned to the mortars; beaten little more than a quarter of an hour; sifted again; and it is finished. The six pestles will clear four thousand pounds in twenty-four hours. The pound here is twenty-eight ounces; the ounce equal to that of Paris. The best rice requires half an hour's boiling; a more indifferent kind, somewhat less. To sow the rice, they first plough the ground, then level it with a drag harrow, and let on the water; when the earth has become soft, they smooth it with a shovel under the water, and then sow the rice in the water.

Rozzano. Parmesan cheese. It is supposed this

was formerly made at Parma, and took its name thence, but none is made there now. It is made through all the country extending from Milan for one hundred and fifty miles. The most is made about Lodi. The making of butter being connected with that of making cheese, both must be described together. There are, in the stables I saw, eighty-five cows, fed on hay and grass, not on grain. They are milked twice in twenty-four hours, ten cows yielding at the two milkings a *brenta* of milk, which is twenty-four of our gallons. The night's milk is scummed in the morning at daybreak, when the cows are milked again, and the new milk mixed with the old. In three hours, the whole mass is scummed a second time, the milk remaining in a kettle for cheese, and the cream being put into a cylindrical churn, shaped like a grindstone, eighteen inches radius, and fourteen inches thick. In this churn there are three staves pointing inwardly, endwise, to break the current of the milk. Through its centre passes an iron axis, with a handle at each end. It is turned about an hour and a half by two men till the butter is produced. Then they pour off the buttermilk, and put in some water which they agitate backwards and forwards about a minute, and pour it off. They take out the butter, press it with their hands into loaves, and stamp it. It has no other washing. Sixteen American gallons of milk yield fifteen pounds of butter, which sell at twenty-four sous the pound.

The milk, which, after being scummed as before, had been put into a copper kettle, receives its due quantity of rennet, and is gently warmed, if the season requires it. In about four hours it becomes a slip. Then the whey begins to separate. A little of it is taken out. The curd is then thoroughly broken by a machine like a chocolate mill. A quarter of an ounce of saffron is put to seven brenta of milk, to give color to the cheese. The kettle is then moved over the hearth, and heated by a quick fire till the curd is hard enough, being broken into small lumps by continued stirring. It is moved off the fire, most of the whey taken out, the curd compressed into a globe by the hand, a linen cloth slipped under it, and it is drawn out in that. A loose hoop is then laid on a bench, and the curd, as wrapped in the linen, is put into the hoop; it is a little pressed by the hand, the hoop drawn tight and made fast. A board two inches thick is laid on it, and a stone on that of about twenty pounds weight. In an hour, the whey is run off, and the cheese finished. They sprinkle a little salt on it every other day in summer, and every day in winter, for six weeks. Seven brentas of milk make a cheese of fifty pounds, which requires six months to ripen, and is then dried to forty-five pounds. It sells on the spot for eighty-eight livres the one hundred pounds. There are now one hundred and fifty cheeses in this dairy. They are nineteen inches diameter, and six inches thick. They make a cheese a day in

summer, and two in three days, or one in two days, in winter.

The whey is put back into the kettle, the buttermilk poured into it, and of this, they make a poor cheese for the country people. The whey of this is given to the hogs. Eight men suffice to keep the cows, and to do all the business of this dairy. Mascarponi, a kind of curd, is made by pouring some buttermilk into cream, which is thereby curdled, and is then pressed into a linen cloth.

The ice-houses at Rozzano are dug about fifteen feet deep, and twenty feet diameter, and poles are driven down all round. A conical thatched roof is then put over them, fifteen feet high, and pieces of wood are laid at the bottom, to keep the ice out of the water which drips from it, and goes off by a sink. Straw is laid on this wood, and then the house filled with ice, always putting straw between the ice and the walls, and covering ultimately with straw. About a third is lost by melting. Snow gives the most delicate flavor to creams; but ice is the most powerful congealer, and lasts longest. A tuft of trees surrounds these ice-houses.

Round Milan, to the distance of five miles, are corn, pasture, gardens, mulberries, willows, and vines. For in this State, rice ponds are not permitted within five miles of the cities.

Binasco. Pavia. Near Cassino the rice ponds begin, and continue to within five miles of Pavia, the whole ground being in rice, pasture, and willows.

The pasture is in the rice grounds which are resting. In the neighborhood of Pavia, again, are corn, pasture, etc., as round Milan. They gave me green peas at Pavia.

April 24th. *Voghera. Tortona. Novi.* From Pavia to Novi, corn, pasture, vines, mulberries, willows; but no rice. The country continues plain, except that the Apennines are approaching on the left. The soil, always good, is dark till we approach Novi, and then red. We cross the Po where it is three hundred yards wide, in a pendulum boat. The rope is fastened on one side of the river, three hundred yards above, and supported by eight intermediate canoes, with little masts in them to give a greater elevation to the rope. We pass in eleven minutes. Women, girls, and boys are working with the hoe, and breaking the clods with mauls.

April 25th. *Voltaggio. Campo-Marone. Genoa.* At Novi, the Apennines begin to rise. Their growth of timber is oak, tall, small and knotty, and chestnut. We soon lose the walnut, ascending, and find it again, about one-fourth of the way down, on the south side. About half way down, we find figs and vines, which continue fine and in great abundance. The Apennines are mostly covered with soil, and are in corn, pasture, mulberries, and figs, in the parts before indicated. About half way from their foot to Genoa, at Campo-Marone, we find again the olive tree. Hence the produce becomes mixed, of all the kinds before mentioned. The method of

sowing the Indian corn at Campo-Marone, is as follows: With a hoe shaped like the blade of a trowel, two feet long, and six inches broad at its upper end, pointed below, and a little curved, they make a trench. In that, they drop the grains six inches apart. Then two feet from that, they make another trench, throwing the earth they take out of that on the grain of the last one, with a singular sleight and quickness; and so through the whole piece. The last trench is filled with the earth adjoining.

April 26th. *Genoa.* Strawberries at Genoa. Scaffold poles for the upper parts of a wall, as for the third story, rest on the window sills of the story below. Slate is used here for paving, for steps, for stairs, (the rise as well as tread) and for fixed Venetian blinds. At the Palazzo Marcello Durazzo, benches with straight legs, and bottoms of cane. At the Palazzo del prencipe Lomellino, at Sestri, a phaeton with a canopy. At the former, tables folding into one plane. At Nervi they have peas, strawberries, etc., all the year round. The gardens of the Count Durazzo at Nervi exhibit as rich a mixture of the *utile dulci*, as I ever saw. All the environs in Genoa, are in olives, figs, oranges, mulberries, corn, and garden stuff. Aloes in many places, but they never flower.

April 28th. *Noli.* The Apennine and Alps appear to me, to be one and the same continued ridge of mountains, separating everywhere the waters of the Adriatic Gulf from those of the Mediterranean.

Where it forms an elbow, touching the Mediterranean, as a smaller circle touches a larger, within which it is inscribed, in the manner of a tangent, the name changes from Alps to Apennine. It is the beginning of the Apennine which constitutes the State of Genoa, the mountains there generally falling down in barren naked precipices into the sea. Wherever there is soil on the lower parts, it is principally in olives and figs, in vines also, mulberries and corn. Where there are hollows well protected, there are oranges. This is the case at Golfo de Laspeze, Sestri, Bugiasco, Nervi, Genoa, Pegli, Savona, Finale, Oneglia, (where there are abundance,) St. Remo, Ventimiglia, Mantone, and Monaco. Noli, into which I was obliged to put, by a change of wind, is forty miles from Genoa. There are twelve hundred inhabitants in the village, and many separate houses round about. One of the precipices hanging over the sea is covered with aloes. But neither here, nor anywhere else I have been, could I procure satisfactory information that they ever flower. The current of testimony is to the contrary. Noli furnishes many fishermen. Paths penetrate up into the mountains in several directions, about three-fourths of a mile: but these are practicable only for asses and mules. I saw no cattle nor sheep in the settlement. The wine they make, is white and indifferent. A curious cruet for oil and vinegar in one piece, I saw here. A bishop resides here, whose revenue is two thousand livres,

equal to sixty-six guineas. I heard a nightingale here.

April 29th. *Albenga.* In walking along the shore from Louano to this place, I saw no appearance of shells. The tops of the mountains are covered with snow, while there are olive trees, etc., on the lower parts. I do not remember to have seen assigned anywhere, the cause of the apparent color of the sea. Its water is generally clear and colorless, if taken up and viewed in a glass. That of the Mediterranean is remarkably so. Yet in the mass, it assumes, *by reflection*, the color of the sky or atmosphere, black, green, blue, according to the state of the weather. If any person wished to retire from his acquaintance, to live absolutely unknown, and yet in the midst of physical enjoyments, it should be in some of the little villages of this coast, where air, water and earth concur to offer what each has most precious. Here are nightingales, beccaficas, ortolans, pheasants, partridges, quails, a superb climate, and the power of changing it from summer to winter at any moment, by ascending the mountains. The earth furnishes wine, oil, figs, oranges, and every production of the garden, in every season. The sea yields lobsters, crabs, oysters, thunny, sardines, anchovies, etc. Ortolans sell at this time, at thirty sous, equal to one shilling sterling, the dozen. At this season, they must be fattened. Through the whole of my route from Marseilles, I observe they plant a great deal of cane or reed,

which is convenient while growing, as a cover from the cold and boisterous winds, and when cut, it serves for espaliers to vines, peas, etc. Through Piedmont, Lombardy, the Milanese, and Genoese, the garden bean is a great article of culture; almost as much so as corn. At Albenga, is a rich plain opening from between two ridges of mountains, triangularly, to the sea, and of several miles extent. Its growth is olives, figs, mulberries, vines, corn and beans. There is some pasture. A bishop resides here, whose revenue is forty thousand livres. This place is said to be rendered unhealthy in summer, by the river which passes through the valley.

April 30th. *Oneglia.* The wind continuing contrary, I took mules at Albenga for Oneglia. Along this tract are many of the tree called carroubier, being a species of locust. It is the ceratonia siliqua of Linnæus. Its pods furnish food for horses, and also for the poor, in time of scarcity. It abounds in Naples and Spain. Oneglia and Port Maurice, which are within a mile of each other, are considerable places, and in a rich country. At St. Remo, are abundance of oranges and lemons, and some palm trees.

May 1st. *Ventimiglia. Menton. Monaco. Nice.* At Bordighera, between Ventimiglia and Menton, are extensive plantations of palms, on the hill as well as in the plain. They bring fruit, but it does not ripen. Something is made of the midrib, which is in great demand at Rome, on the Palm Sunday,

and which renders this tree profitable here. From Menton to Monaco, there is more good land, and extensive groves of oranges and lemons. Orange water sells here at forty sous, equal to sixteen pence sterling, the American quart. The distances on this coast, are, from Laspeze, at the eastern end of the territories of Genoa, to Genoa, fifty-five miles geometrical; to Savona, thirty; Albenga, thirty; Oneglia, twenty; Ventimiglia, twenty-five; Monaco, ten; Nice, ten; in the whole, one hundred and eighty miles. A superb road might be made along the margin of the sea from Laspeze, where the champaign country of Italy opens, to Nice, where the Alps go off northwardly, and the post roads of France begin; and it might even follow the margin of the sea quite to Cette. By this road, travellers would enter Italy without crossing the Alps, and all the little insulated villages of the Genoese would communicate together, and in time form one continued village along that road.

May 3d. *Luc. Brignolles. Tourves. Pourcieux. La Galiniere.* Long, small mountains, very rocky, the soil reddish, from bad to middling; in olives, grapes, mulberries, vines and corn. Brignolles is in an extensive plain, between two ridges of mountains, and along a water-course which continues to Tourves. Thence to Pourcieux we cross a mountain, low and easy. The country is rocky and poor. To la Galiniere are waving grounds, bounded by mountains of rock at a little distance. There are

some inclosures of dry wall from Luc to la Galiniere; also, sheep and hogs. There is snow on the high mountains. I see no plums in the vicinities of Brignolles; which makes me conjecture that the celebrated plum of that name, is not derived from this place.

May 8. *Orgon. Avignon. Vaucluse.* Orgon is on the Durance. From thence, its plain opens till it becomes common with that of the Rhone; so that from Orgon to Avignon is entirely a plain of rich dark loam, which is in willows, mulberries, vines, corn and pasture. A very few figs. I see no olives in this plain. Probably the cold winds have too much power here. From the Bac de Nova (where we cross the Durance) to Avignon, is about nine American miles; and from the same Bac to Vaucluse, eleven miles. In the valley of Vaucluse, and on the hills impending over it, are olive trees. The stream issuing from the fountain of Vaucluse is about twenty yards wide, four or five feet deep, and of such rapidity that it could not be stemmed by a canoe. They are now mowing hay, and gathering mulberry leaves. The high mountains just back of Vaucluse are covered with snow. Fine trout in the stream of Vaucluse, and the valley abounds peculiarly with nightingales. The vin blanc de M. de Rochequde of Avignon, resembles dry Lisbon. He sells it at six years old for twenty-two sous the bottle, the price of the bottle, etc., included.

Avignon. Remoulins. Some good plains, but gen-

erally hills, stony and poor. In olives, mulberries, vines and corn. Where it is waste, the growth is chene-vert, box, furze, thyme, and rosemary.

May 10. *Nismes. Lunel.* Hills on the right, plains on the left. The soil reddish, a little stony, and of middling quality. The produce, olives, mulberries, vines, corn, St. foin. No wood and few inclosures. Lunel is famous for its vin de muscat blanc, thence called Lunel, or vin muscat de Lunel. It is made from the raisin muscat, without fermenting the grain in the hopper. When fermented it makes a red muscat, taking the tinge from the dissolution of the skin of the grape, which injures the quality. When a red muscat is required, they prefer coloring it with a little Alicant wine. But the white is best. The piece of two hundred and forty bottles, after being properly drawn off from its lees, and ready for bottling, costs from one hundred and twenty to two hundred livres, the first quality and last vintage. It cannot be bought old, the demand being sufficient to take it all the first year. They are not more than from fifty to one hundred pieces a year, made of this first quality. A *setterie* yields about one piece, and my informer supposes there are about two setteries in an arpent. Portage to Paris by land is fifteen livres the quintal. The best *recoltes* are those of M. Bouquet and M. Tremoulet. The vines are in rows four feet apart, every way.

May 11. *Montpelier.* Snow on the Cevennes,

still visible from here. With respect to the muscat grape, of which the wine is made, there are two kinds, the red and the white. The first has a red skin, but a white juice. If it be fermented in the *cuve*, the coloring matter which resides in the skin is imparted to the wine. If not fermented in the cuve, the wine is white. Of the white grape, only a white wine can be made. The species of St. foin cultivated here by the name of sparsette, is the hedysarum onobryches. They cultivate a great deal of madder (garance) rubia tinctorum here, which is said to be immensely profitable. Monsieur de Gouan tells me that the pine, of which they use the burs for fuel, is the pinus sativus, being two leaved. They use for an edging to the borders of their gardens, the santolina, which they call garderobe. I find the yellow clover here, in a garden; and the large pigeon succeeding well, confined in a house.

May 12. *Frontignan.* Some tolerably good plains in olives, vines, corn, St. foin, and lucerne. A great proportion of the hills are waste. There are some inclosures of stone, and some sheep. The first four years of madder are unproductive; the fifth and sixth yield the whole value of the land. Then it must be renewed. The sparsette is the common or true St. foin. It lasts about five years; in the best land it is cut twice, in May and September, and yields three thousand pounds of dry hay to the setterie the first cutting, and five hundred pounds

the second. The setterie is of seventy-five *dextres en tout sens*, supposed about two arpents. Lucerne is the best of all forage; it is sowed here in the broadcast, and lasts about twelve or fourteen years. It is cut four times a year, and yields six thousand pounds of dry hay at the four cuttings, to the setterie. The territory in which the vin muscat de Frontignan is made, is about a league of three thousand toises long, and one-fourth of a league broad. The soil is reddish and stony, often as much stone as soil. On the left, it is a plain; on the right, hills. There are made about one thousand pieces (of two hundred and fifty bottles each) annually, of which six hundred are of the first quality, made on the *coteaux*. Of these, Madame Soubeinan makes two hundred, Monsieur Reboulle, ninety, Monsieur Lambert, médicin de la faculté de Montpelier, sixty, Monsieur Thomas, notaire, fifty, Monsieur Argilliers, fifty, Monsieur Audibert, forty; equal to four hundred and ninety; and there are some small proprietors who make small quantities. The first quality is sold, *brut*, for one hundred and twenty livres the piece; but it is then thick, and must have a winter and the *fouet* to render it potable and brilliant. The fouet is like a chocolate mill, the handle of iron, the brush of stiff hair. In bottles, this wine costs twenty-four sous, the bottles, etc., included. It is potable the April after it is made, is best that year, and after ten years begins to have a pitchy taste, resembling it to Malaga. It is not

permitted to ferment more than half a day, because it would not be so liquorish. The best color, and its natural one, is the amber. By force of whipping, it is made white, but loses flavor. There are but two or three pieces a year of red muscat made; there being but one vineyard of the red grape, which belongs to a baker called Pascal. This sells in bottles at thirty sous, the bottle included. Rondelle, negociant en vin, Porte St. Bernard, fauxbourg St. Germains, Paris, buys three hundred pieces of the first quality every year. The coteaux yield about half a piece to the setterie, the plains a whole piece. The inferior quality is not at all esteemed. It is bought by the merchants of Cette, as is also the wine of Bezieres, and sold by them for Frontignan of the first quality. They sell thirty thousand pieces a year under that name. The town of Frontignan marks its casks with a hot iron: an individual of that place having two casks emptied, was offered forty livres for the empty cask by a merchant of Cette. The town of Frontignan contains about two thousand inhabitants; it is almost on the level of the ocean. Transportation to Paris is fifteen livres the quintal, and takes fifteen days. The price of packages is about eight livres eight sous the one hundred bottles. A setterie of good vineyard sells for from three hundred and fifty to five hundred livres, and rents for fifty livres. A laboring man hires at one hundred and fifty livres the year, and is fed and lodged; a woman at half as much. Wheat sells at

ten livres the settier, which weighs one hundred pounds, poids de table. They make some Indian corn here, which is eaten by the poor. The olives do not extend northward of this into the country, above twelve or fifteen leagues. In general, the olive country in Languedoc is about fifteen leagues broad. More of the waste lands between Frontignan and Mirval are capable of culture; but it is a marshy country, very subject to fever and ague, and generally unhealthy. Thence arises, as is said, a want of hands.

Cette. There are in this town about ten thousand inhabitants. Its principal commerce is wine; it furnishes great quantities of grape pomice for making verdigrise. They have a very growing commerce; but it is kept under by the privileges of Marseilles.

May 13. *Agde.* On the right of the Etang de Tau, are plains of some width, then hills, in olives, vines, mulberry, corn and pasture. On the left, a narrow sand-bar separating the Etang from the sea, along which it is proposed to make a road from Cette to Agde. In this case, the post would lead from Montpelier, by Cette and Agde, to Bezieres, being leveller, and an hour, or an hour and a half nearer. Agde contains six or eight thousand inhabitants.

May 14. *Bezieres.* Rich plains in corn, St. foin and pasture; hills at a little distance to the right, in olives; the soil both of hill and plain is red, going from Agde to Bezieres. But at Bezieres the country

becomes hilly, and is in olives, St. foin, pasture, some vines and mulberries.

May 15. *Bezieres. Argilies. Le Saumal.* From Argilies to Saumal are considerable plantations of vines. Those on the red hills to the right, are said to produce good wine. No wood, no inclosures. There are sheep and good cattle. The Pyrenees are covered with snow. I am told they are so in certain parts all the year. The canal of Languedoc, along which I now travel, is six toises wide at bottom, and ten toises at the surface of the water, which is one toise deep. The barks which navigate it are seventy and eighty feet long, and seventeen or eighteen feet wide. They are drawn by one horse, and worked by two hands, one of which is generally a woman. The locks are mostly kept by women, but the necessary operations are much too laborious for them. The encroachments by the men, on the offices proper for the women, is a great derangement in the order of things. Men are shoemakers, tailors, upholsterers, stay-makers, mantua-makers, cooks, housekeepers, house-cleaners, bed-makers; they *coiffe* the ladies, and bring them to bed: the women, therefore, to live, are obliged to undertake the offices which they abandon. They become porters, carters, reapers, sailors, lock-keepers, smiters on the anvil, cultivators of the earth, etc. Can we wonder, if such of them as have a little beauty, prefer easier courses to get their livelihood, as long as that beauty lasts? Ladies who employ men in the offices which

should be reserved for their sex, are they not bawds in effect? For every man whom they thus employ, some girl, whose place he has thus taken, is driven to whoredom. The passage of the eight locks at Bezieres, that is, from the opening of the first to the last gate, took one hour and thirty-three minutes. The bark in which I go, is about thirty-five feet long, drawn by one horse, and goes from two to three geographical miles an hour. The canal yields abundance of carp and eel. I see also small fish resembling our perch and chub. Some plants of white clover and some of yellow, on the banks of the canal near Capestan; santolina also, and a great deal of yellow iris. Met a raft of about three hundred and fifty beams, forty feet long, and twelve or thirteen inches in diameter, formed into fourteen rafts, tacked together. The extensive and numerous fields of St. foin in general bloom, are beautiful.

May 16th. *Le Saumal. Marseillette.* May 17th. *Marseillette. Carcassonne.* From Saumal to Carcassonne, we have always the river Aube close on our left. This river runs in the valley between the Cevennes and Pyrenees, serving as the common receptacle for both their waters. It is from fifty to one hundred and fifty yards wide, always rapid, rocky, and insusceptible of navigation. The canal passes in the side of hills made by that river, overlooks the river itself, and its plains, and has its prospect ultimately terminated, on one side, by mountains of rock overtopped by the Pyrenees, on

the other, by small mountains, sometimes of rock, sometimes of soil, overtopped by the Cevennes. Marseillette is on a ridge, which separates the river Aube from the Etang de Marseillette. The canal, in its approach to this village, passes the ridge and rides along the front, overlooking the Etang, and the plains on its border; and having passed the village, re-crosses the ridge, and resumes its general ground in front of the Aube. The land is in corn, St. foin, pasture, vines, mulberries, willows, and olives.

May 18th. *Carcassonne. Castelnaudari.* Opposite to Carcassonne, the canal receives the river Fresquel, about thirty yards wide, which is its substantial supply of water from hence to Bezieres. From Bezieres to Agde, the river Orb furnishes it, and the Eraut, from Agde to the Etang de Thau. By means of *ecluse ronde* at Agde, the waters of the Eraut can be thrown towards Bezieres, to aid those of the Orb, as far as the ecluse de Porcaraigne, nine geometrical miles. Where the Fresquel enters the canal, there is, on the opposite side, a waste, to let off the superfluous waters. The horseway is continued over this waste, by a bridge of stone of eighteen arches. I observe them fishing in the canal, with a skimming net of about fifteen feet diameter, with which they tell me they catch carp. Flax in blossom. Neither strawberries nor peas yet at Carcassonne. The Windsor bean just come to table. From the ecluse de la Lande we see

the last olive trees near a metairée, or farm house, called la Lande. On a review of what I have seen and heard of this tree, the following seem to be its northern limits. Beginning on the Atlantic, at the Pyrenees, and along them to the meridian of la Lande, or of Carcassonne; up that meridian to the Cevennes, as they begin just there to raise themselves high enough to afford it shelter. Along the Cevennes, to the parallel of forty-five degrees of latitude, and along that parallel (crossing the Rhone near the mouth of the Isere) to the Alps; thence along the Alps and Apennines, to what parallel of latitude I know not. Yet here the tracing of the line becomes the most interesting. For from the Atlantic, so far, we see this production the effect of shelter and latitude combined. But where does it venture to launch forth unprotected by shelter, and by the mere force of latitude alone? Where for instance does its northern limits cross the Adriatic? I learn that the olive tree resists cold to eight degrees of Reaumur below the freezing point, which corresponds to fourteen above zero of Fahrenheit; and that the orange resists to four degrees below freezing of Reaumur, which is twenty-three degrees above zero of Fahrenheit.

May 19th. *Castelnaudari. St. Feriol. Escamaze. Lampy.* Some sheep and cattle. No inclosures. St. Feriol, Escamaze, and Lampy are in the *montagnes noires.* The country almost entirely waste. Some of it in shrubbery. The *voute* d'Escamaze is

of one hundred and thirty-five yards. Round about Castelnaudari, the country is hilly, as it has been constantly from Bezieres; it is very rich. Where it is plain, or nearly plain, the soil is black; in general, however, it is hilly and reddish, and in corn. They cultivate a great deal of Indian corn here, which they call millet; it is planted but not yet up.

May 20th. *Castelnaudari. Naurouze. Villefranche. Baziege.* At Naurouze, is the highest ground which the canal had to pass, between the two seas. It became necessary then to find water still higher to bring it here. The river Fresquel heading by its two principal branches in the *montagnes nories*, a considerable distance off to the eastward, the springs of the most western one were brought together, and conducted to Naurouze, where its waters are divided, part furnishing the canal towards the ocean, the rest towards the Mediterranean, as far as the ecluse de Fresquel, where as has been before noted, the Lampy branch, and the Alzau, under the name of the Fresquel, enter.

May 20th. They have found that a lock of six pieds is best; however, eight pieds is well enough. Beyond this, it is bad. Monsieur Pin tells me of a lock of thirty pieds, made in Sweden, of which it is impossible to open the gates. They therefore divided it into four locks. The small gates of the locks of this canal, have six square pieds of surface. They tried the machinery of the jack for opening them. They were more easily opened, but very

subject to be deranged, however strongly made. They returned therefore to the original wooden screw, which is excessively slow and laborious. I calculate that five minutes are lost at every basin by the screw, which, on the whole number of basis, is one eighth of the time necessary to navigate the canal; and of course, if a method of lifting the gate at one stroke could be found, it would reduce the passage from eight to seven days, and the freight equally. I suggested to Monsieur Pin and others, a quadrantal gate, turning on a pivot, and lifted by a lever like a pump handle, aided by a windlass and cord, if necessary. He will try it, and inform me of the success. The price of transportation from Cette to Bourdeaux, through the canal and Garonne is —— the quintal; round by the straits of Gibraltar is ——. Two hundred and forty barks, the largest of twenty-two hundred quintals (or say, in general, of one hundred tons) suffice to perform the business of this canal, which is stationary, having neither increased nor diminished for many years. When pressed, they can pass and repass between Toulouse and Bezieres in fourteen days; but sixteen is the common period. The canal is navigated ten and a half months of the year; the other month and a half being necessary to lay it dry, cleanse it and repair the works. This is done in July and August, when there would perhaps, be a want of water.

May 21st. *Baziege. Toulouse.* The country continues hilly, but very rich. It is in mulberries,

willows, some vines, corn, maize, pasture, beans, flax. A great number of chateaux and good houses, in the neighborhood of the canal. The people partly in farm houses, partly in villages. I suspect the farm houses are occupied by the farmers, while the laborers (who are mostly by the day) reside in the villages. Neither strawberries nor peas yet at Baziege or Toulouse. Near the latter, are some fields of yellow clover.

At Toulouse the canal ends. It has four communications with the Mediterranean. 1. Through the ponds at Thau, Frontignan, Palavas, Maguelone, and Manjo, the Canal de la Radela Aiguesmortes, le Canal des Salines de Pecair, and the arm of the Rhone called Bras de Fer, which ends at Fourgues, opposite to Arles, and thence down the Rhone. 2. At Cette, by a canal of a few hundred toises, leading out of the Etang de Thau into the sea. The vessels pass the Etang, through a length of nine thousand toises, with sails. 3. At Agde, by the river Eraut, twenty-five hundred toises. It has but five or six pieds of water at its mouth. It is joined to the canal at the upper part of this communication, by a branch of a canal two hundred and seventy toises long. 4. At Narbonne, by a canal they are now opening, which leads from the great canal near the aqueduct of the river Cesse, twenty-six hundred toises, into the Aude. This new canal will have five lock-basins of about twelve pieds fall, each. Then you are to cross the Aude very obliquely, and

descend a branch of it six thousand toises, through four lock-basins to Narbonne, and from Narbonne down the same branch, twelve hundred toises into the Etang de Sigen, across that Etang four thousand toises, issuing at an inlet, called Grau de la Nouvelle, into the Gulf of Lyons. But only vessels of thirty or forty tons can enter this inlet. Of these four communications, that of Cette only, leads to a deep sea-port, because the exit is there by a canal, and not a river. Those by the Rhone, Eraut, and Aude, are blocked up by bars at the mouth of those rivers. It is remarkable that all the rivers running into the Mediterranean, are obstructed at their entrance by bars and shallows, which often change their position. This is the case with the Nile, Tyber, the Po, the Lez, le Lyoron, the Orbe, the Gly, the Tech, the Tet, etc. Indeed, the formation of these bars seems not confined to the mouths of the rivers, though it takes place at them, more certainly. Along almost the whole of the coast, from Marseilles towards the Pyrenees, banks of sand are thrown up, parallel with the coast, which have insulated portions of the sea, that is, formed them into etangs, ponds, or sounds, through which here and there, narrow and shallow inlets only, are preserved by the currents of the rivers. These sounds fill up in time, with the mud and sand deposited in them by the rivers. Thus the Etang de Vendres, navigated formerly by vessels of sixty tons, is now nearly filled up by the mud and sand of the Aude. The Vistre and Vidourle

which formerly emptied themselves into the Gulf of Lyons, are now received by the Etangs de Manjo and Aiguesmortes, that is to say, the part of the Gulf of Lyons which formerly received, and still receives those rivers, is now cut off from the sea by a bar of sand, which has been thrown up in it, and has formed it into sounds. Other proofs that the land gains there on the sea, are, that the towns of St. Gilles and Notre Dame d'Aspots, formerly seaports, are now far from the sea, and that Aiguesmortes, where are still to be seen the iron rings to which vessels were formerly moored, and where St. Louis embarked for Palestine, has now in its vicinities, only ponds which cannot be navigated, and communicates with the sea by an inlet, called Grau du Roy, through which only fishing barks can pass. It is pretty well established, that all the Delta of Egypt has been formed by the depositions of the Nile, and the alluvions of the sea, and it is probable that that operation is still going on. Has this peculiarity of the Mediterranean any connection with the scantiness of its tides, which even at the equinoxes, are of two or three feet only?

The communication from the western end of the canal to the ocean is by the river Garonne. This is navigated by flat boats of eight hundred quintals, when the water is well; but when it is scanty, these boats carry only two hundred quintals till they get to the mouth of the Tarn. It has been proposed to

open a canal that far, from Toulouse, along the right side of the river.

May 22d. *Toulouse.* 23d. *Agen.* 24th. *Castres. Bordeaux.* The Garonne and rivers emptying into it, make extensive and rich plains, which are in mulberries, willows, corn, maize, pasture, beans and flax. The hills are in corn, maize, beans, and a considerable proportion of vines. There seems to be as much maize as corn in this country. Of the latter, there is more rye than wheat. The maize is now up, and about three inches high. It is sowed in rows two feet, or two and a half feet apart, and is pretty thick in the row. Doubtless they mean to thin it. There is a great deal of forage they call farouche. It is a species of red trefoil, with few leaves, a very coarse stalk, and a cylindrical blossom of two inches in length, and three quarters of an inch in diameter, consisting of floscules, exactly as does that of the red clover. It seems to be a coarse food, but very plentiful. They say it is for their oxen. These are very fine, large, and cream-colored. The services of the farm, and of transportation, are performed chiefly by them. There are a few horses and asses, but no mules. Even in the city of Bordeaux, we see scarcely any beasts of draught but oxen. When we cross the Garonne at Langon, we find the plains entirely of sand and gravel, and they continue so to Bordeaux. Where they are capable of anything, they are in vines, which are in rows, four, five, or six feet apart, and

sometimes more. Near Langon is Saulerne, where the best white wines of Bordeaux are made. The waste lands are in fern, furze, shrubbery, and dwarf trees. The farmers live on their farms. At Agen, Castres, Bordeaux, strawberries and peas are now brought to table, so that the country on the canal of Languedoc seems to have later seasons than that east and west of it. What can be the cause? To the eastward, the protection of the Cevennes makes the warm season advance sooner. Does the neighborhood of the Mediterranean co-operate? And does that of the ocean mollify and advance the season to the westward? There are ortolans at Agen, but none at Bordeaux. The buildings on the canal and the Garonne are mostly of brick, the size of the bricks the same with that of the ancient Roman brick, as seen in the remains of their buildings in this country. In those of a circus at Bordeaux, considerable portions of which are standing, I measured the bricks, and found them nineteen or twenty inches long, eleven or twelve inches wide, and from one and a half to two inches thick; their texture as fine, compact, and solid as that of porcelain. The bricks now made, though of the same dimensions, are not so fine. They are burnt in a kind of furnace, and make excellent work. The elm tree shows itself at Bordeaux, peculiarly proper for being spread flat for arbors. Many are done in this way on the quay des Charterons. Strawberries, peas, and cherries at Bordeaux.

May 24th, 25th, 26th, 27th, 28th. *Bordeaux.* The cantons in which the most celebrated wines of Bordeaux are made, are Medoc down the river, Grave adjoining the city, and the parishes next above; all on the same side of the river. In the first is made red wine principally, in the two last, white. In Medoc, they plant the vines in cross rows of three and a half pieds. They keep them so low, that poles extended along the rows one way, horizontally, about fifteen or eighteen inches above the ground, serve to tie the vines to, and leave the cross row open to the plough. In Grave, they set the plants in quincunx, *i. e.* in equilateral triangles of three and a half pieds every side; and they stick a pole of six or eight feet high to every vine, separately. The vine stock is sometimes three or four feet high. They find these two methods equal in culture, duration, quantity and quality. The former however, admits the alternative of tending by hand or with the plough. The grafting of the vine, though a critical operation, is practised with success. When the graft has taken, they bend it into the earth, and let it take root above the scar. They begin to yield an indifferent wine at three years old, but not a good one till twenty-five years, nor after eighty, when they begin to yield less, and worse, and must be renewed. They give three or four workings in the year, each worth seventy, or seventy-five livres the *journal*, which is of eight hundred and forty square toises and contains about three thousand

plants. They dung a little in Medoc and Grave, because of the poverty of the soil; but very little, as more would effect the wine. The journal yields, *communibus annis*, about three pieces (of two hundred and forty or two hundred and fifty bottles each). The vineyards of first quality are all worked by their proprietors. Those of the second rent for three hundred livres the journal, those of the third at two hundred livres. They employ a kind of overseer at four or five hundred livres the year, finding him lodging and drink; but he feeds himself. He superintends and directs, though he is expected to work but little. If the proprietor has a garden, the overseer tends that. They never hire laborers by the year. The day wages for a man are thirty sous, a woman's fifteen sous, feeding themselves. The women make the bundles of sarment, weed, pull off the snails, tie the vines, and gather the grapes. During the vintage they are paid high and fed well.

Of red wines, there are four vineyards of the first quality, viz., 1. Châuteau Margau, belonging to the Marquis d'Agicourt, who makes about one hundred and fifty tons, of one thousand bottles each. He has engaged to Jernon, a merchant. 2. La Tour de Segur, en Saint Lambert, belonging to Monsieur Miresmenil, who makes one hundred and twenty-five tons. 3. Hautbrion, belonging two-thirds to M. le Comte de Femelle, who has engaged to Barton, a merchant; the other third to the Comte

de Toulouse, at Toulouse. The whole is seventy-five tuns. 4. Château de la Fite, belonging to the President Pichard, at Bordeaux, who makes one hundred and seventy-five tuns. The wines of the three first are not in perfection till four years old; those of De la Fite, being somewhat lighter, are good at three years, that is, the crop of 1786 is good in the spring of 1789. These growths of the year 1783 sell now at two thousand livres the tun; those of 1784, on account of the superior quality of that vintage, sell at twenty-four hundred livres; those of 1785, at eighteen hundred livres; those of 1786, at eighteen hundred livres, though they had sold at first for only fifteen hundred livres. Red wines of the second quality, are Rozan, Dabbadie or Lionville, la Rose, Quirouen, Durfort; in all eight hundred tuns, which sell at one thousand livres, new. The third class are, Calons, Mouton, Gassie, Arboete, Pontette, de Ferme, Candale; in all two thousand tuns, at eight or nine hundred livres. After these, they are reckoned common wines, and sell from five hundred livres down to one hundred and twenty livres the tun. All red wines decline after a certain age, losing color, flavor, and body. Those of Bordeaux begin to decline at about seven years old.

Of white wines, those made in the canton of Grave are most esteemed at Bordeaux. The best crops are, 1. Pontac, which formerly belonged to M. de Pontac, but now to M. de Lamont. He makes forty tuns, which sell at four hundred livres, new. 2.

St. Brise, belonging to M. de Pontac, thirty tuns, at three hundred and fifty livres. 3. De Carbonius, belonging to the Benedictine monks, who make fifty tuns, and never selling till three or four years old, get eight hundred livres the tun. Those made in the three parishes next above Grave, and more esteemed at Paris, are, 1. Sauterne. The best crop belonging to M. Diquem at Bordeaux, or to M. de Salus, his son-in-law; one hundred and fifty tuns, at three hundred livres, new, and six hundred livres, old. The next best crop is M. de Filotte's; one hundred tuns, sold at the same price. 2. Prignac. The best is the President du Roy's, at Bordeaux. He makes one hundred and seventy-five tuns, which sell at three hundred livres, new, and six hundred livres, old. Those of 1784, for their extraordinary quality, sell at eight hundred livres. 3. Barsac. The best belongs to the President Pichard, who makes one hundred and fifty tuns, at two hundred and eighty livres, new, and six hundred livres, old. Sauterne is the pleasantest; next Prignac, and lastly Barsac; but Barsac is the strongest; next Prignac, and lastly Sauterne; and all stronger than Grave. There are other good crops made in the same parishes of Sauterne, Prignac, and Barsac; but none as good as these. There is a virgin wine, which, though made of a red grape, is of a light rose color, because, being made without pressure, the coloring matter of the skin does not mix with the juice. There are other white wines, from the pre-

ceding prices down to seventy-five livres. In general, the white wines keep longest. They will be in perfection till fifteen or twenty years of age. The best vintage now to be bought, is of 1784; both of red and white. There has been no other good year since 1779.

The celebrated vineyards before mentioned are plains, as is generally the canton of Medoc, and that of the Grave. The soil of Hautbrion, particularly, which I examined, is a sand, in which is near as much round gravel or small stone, and very little loam; and this is the general soil of Medoc. That of Pontac, which I examined also, is a little different. It is clayey, with a fourth or fifth of fine rotten stone; and at two feet depth it becomes all a rotten stone. M. de Lamont tells me he has a kind of grape without seeds, which I did not formerly suppose to exist; but I saw at Marseilles dried raisins from Smyrna without seeds. I saw in his farm at Pontac some plants of white clover, and a good deal of yellow; also some small peach trees in the open ground. The principal English wine merchants at Bordeaux are, Jemon, Barton, Johnston, Foster, Skinner, Copinger and McCartey; the chief French wine merchants are Feger, Nerac, Bruneau, Jauge, and du Verget. Desgrands, a wine broker, tells me they never mix the wines of first quality; but they mix the inferior ones to improve them. The smallest wines make the best brandy. They yield about a fifth or sixth.

May 28th, 29th. From Bordeaux to Blaye, the country near the river is hilly, chiefly in vines, some corn, some pasture; further out, are plains, boggy and waste. The soil, in both cases, clay and grit. Some sheep on the waste. To Etauliere, we have sometimes boggy plains, sometimes waving grounds and sandy, always poor, generally waste, in fern and furze, with some corn however, interspersed. To Mirambeau and St. Genis, it is hilly, poor, and mostly waste. There are some corn and maize however, and better trees than usual. Towards Pons, it becomes a little red, mostly rotten stone. There are vines, corn, and maize, which is up. At Pons we approach the Clarenton; the country becomes better, a blackish mould mixed with a rotten chalky stone; a great many vines, corn, maize, and farouche. From Lajart to Saintes and Rochefort, the soil is reddish, its foundation a chalky rock, at about a foot depth; in vines, corn, maize, clover, lucerne, and pasture. There are more and better trees than I have seen in all my journey; a great many apple and cherry trees; fine cattle and many sheep. May 30th. From Rochefort to le Rochex, it is sometimes hilly and red, with a chalky foundation middling good; in corn, pasture, and some waste; sometimes it is reclaimed marsh, in clover and corn except the parts accessible to the tide, which are in wild grass. About Rochelle, it is a low plain. Towards Usseau, and half way to Marans, level highlands, red, mixed with an equal quantity of broken

chalk; mostly in vines, some corn and pasture; then to Marans and half way to St. Hermines, it is reclaimed marsh, dark, tolerably good, and all in pasture; there we rise to plains a little higher, red, with a chalky foundation, boundless to the eye, and altogether in corn and maize. May 31st. At St. Hermines, the country becomes very hilly, a red clay mixed with chalky stone, generally waste, in furze and broom, with some patches of corn and maize; and so it continues to Chantenay, and St. Fulgent. Through the whole of this road from Bordeaux are frequent hedge rows, and small patches of forest wood, not good, yet better than I had seen in the preceding part of my journey. Towards Montaigu, the soil mends a little; the cultivated parts in corn and pasture, the uncultivated in broom. It is in very small inclosures of ditch and quickset. On approaching the Loire to Nantes, the country is leveller; the soil from Rochelle to this place may be said to have been sometimes red, but oftener grey, and always on a chalky foundation. The last census, of about 1770, made one hundred and twenty thousand inhabitants at Nantes. They conjecture there are now one hundred and fifty thousand, which equals it to Bordeaux. June 1st, 2d. The country from Nantes to L'Orient is very hilly, and poor, the soil grey; nearly half is waste, in furze and broom, among which is some poor grass. The cultivated parts are in corn, some maize, a good many apple trees; no vines. All is in

small inclosures of quick hedge and ditch. There are patches and hedge-rows of forest wood, not quite deserving the name of timber. The people are mostly in villages; they eat rye bread, and are ragged. The villages announce a general poverty, as does every other appearance. Women smite on the anvil, and work with the hoe, and cows are yoked to labor. There are great numbers of cattle, insomuch that butter is their staple. Neither asses nor mules; yet it is said that the fine mules I have met with on my journey, are raised in Poictou. There are but few chateaux here. I observe mill-ponds, and hoes with long handles. Have they not, in common with us, derived these from England, of which Bretagne is probably a colony? L'Orient is supposed to contain twenty-five thousand inhabitants. They tell me here, that to make a reasonable profit on potash and pearl ash, as bought in America, the former should sell at thirty livres, the latter thirty-six livres the quintal. Of turpentine they make no use in their vessels. Bayonne furnishes pitch enough; but tar is in demand, and ours sells well. The tower of L'Orient is sixty-five pieds above the level of the sea, one hundred and twenty pieds high, twenty-five pieds in diameter; the stairs four feet radius, and cost thirty thousand livres, besides the materials of the old tower.

June 3d, 4th, 5th. The country and productions from L'Orient to Rennes, and from Rennes to Nantes, are precisely similar to those from Nantes to L'Orient.

About Rennes, it is somewhat leveller, perhaps less poor, and almost entirely in pasture. The soil always grey. Some small separate houses which seem to be the residence of laborers, or very small farmers; the walls frequently of mud, and the roofs generally covered with slate. Great plantations of walnut, and frequently of pine. Some apple trees and sweet briar still in bloom, and broom generally so. I have heard no nightingale since the last day of May. There are gates in this country made in such a manner, that the top rail of the gate overshoots backwards the hind post, so as to counterpoise the gate, and prevent its swagging.

Nantes. Vessels of eight feet draught only can come to Nantes. Those which are larger lie at Point Boeuf, ten leagues below Nantes, and five leagues above the mouth of the river. There is a continued navigation from Nantes to Paris, through the Loire, the Canal de Briare and the Seine. Carolina rice is preferred to that of Lombardy for the Guinea trade, because it requires less water to boil it.

June 6th, 7th, 8th. *Nantes. Ancenis, Angers. Tours.* Ascending the Loire from Nantes, the road as far as Angers, leads over the hills, which are grey, oftener below than above mediocrity, and in corn, pasture, vines, some maize, flax, and hemp. There are no waste lands. About the limits of Bretagne and Anjou, which are between Loriottiere and St. George, the lands change for the better. Here and

there, we get views of the plains on the Loire, of some extent, and good appearance, in corn and pasture. After passing Angers, the road is raised out of the reach of inundations, so as at the same time, to ward them off from the interior plains. It passes generally along the river side; but sometimes leads through the plains, which, after we pass Angers, become extensive and good, in corn, pasture, some maize, hemp, flax, peas, and beans; many willows, also poplars and walnuts. The flax is near ripe. Sweet briar in general bloom. Some broom here still, on which the cattle and sheep browse in winter and spring, when they have no other green food; and the hogs eat the blossoms and pods, in spring and summer. This blossom, though disagreeable when smelt in a small quantity, is of delicious fragrance when there is a whole field of it. There are some considerable vineyards in the river plains, just before we reach Les trois volées, (which is at the one hundred and thirty-sixth milestone) and after that, where the hills on the left come into view, they are mostly in vines. Their soil is clayey and stony, a little reddish, and of southern aspect. The hills on the other side of the river, looking to the north, are not in vines. There is very good wine made on these hills; not equal indeed to the Bordeaux of best quality, but to that of good quality, and like it. It is a great article of exportation from Anjou and Touraine, and probably is sold abroad, under the name of

Bordeaux. They are now mowing the first crop of hay. All along both hills of the Loire, is a mass of white stone, not durable, growing black with time, and so soft that the people cut their houses out of the solid, with all the partitions, chimneys, doors, etc. The hillsides resemble cony burrows, full of inhabitants. The borders of the Loire, are almost a continued village. There are many chateaux; many cattle, sheep, and horses; some asses.

Tours is at the one hundred and nineteenth milestone. Being desirous of inquiring here into a fact stated by Voltaire, in his Questions Encyclopédiques, article Coquilles, relative to the growth of shells unconnected with animal bodies, at the Chateau of Monsieur de la Sauvagiere, near Tours, I called on Monsieur Gentil, premier secretaire de l'Intendance, to whom the Intendant had written on my behalf, at the request of the Marquis de Chastellux. I stated to him the fact as advanced by Voltaire, and found he was, of all men, the best to whom I could have addressed myself. He told me he had been in correspondence with Voltaire on that very subject, and was perfectly acquainted with Monsieur de la Sauvagiere, and the Faluniere where the fact is said to have taken place. It is at the Chateau de Grillemont, six leagues from Tours, on the road to Bordeaux, belonging now to Monsieur d'Orcai. He says, that de la Sauvagiere was a man of truth, and might be relied on for whatever facts he stated as of his own observations; but that he was over-

charged with imagination, which, in matters of opinion and theory, often led him beyond his facts; that this feature in his character had appeared principally in what he wrote on the antiquities of Touraine; but that, as to the fact in question, he believed him. That he himself, indeed, had not watched the same identical shells, as Sauvagiere had done, growing from small to great; but that he had often seen such masses of those shells of all sizes, from a point to a full size, as to carry conviction to his mind that they were in the act of growing; that he had once made a collection of shells for the Emperor's cabinet, reserving duplicates of them for himself; and that these afforded proofs of the same fact; that he afterwards gave those duplicates to a Monsieur du Verget, a physician of Tours, of great science and candor, who was collecting on a larger scale, and who was perfectly in sentiment with Monsieur de la Sauvagiere, that not only the Faluniere, but many other places about Tours, would convince any unbiased observer, that shells are a fruit of the earth, spontaneously produced; and he gave me a copy of de la Sauvagiere's Recueil de Dissertations, presented by the author, wherein is one Sur la vegetation spontanée des coquilles du Chateau des Places. So far, I repeat from him. What are we to conclude? That we have not materials enough yet, to form any conclusion. The fact stated by Sauvagiere is not against any law of nature, and is therefore possible; but it is so little analogous to

her habitual processes, that, if true, it would be extraordinary; that to command our belief, therefore, there should be such a suite of observations, as that their untruth would be more extraordinary than the existence of the fact they affirm. The bark of trees, the skin of fruits and animals, the feathers of birds, receive their growth and nutriment from the internal circulation of a juice through the vessels of the individual they cover. We conclude from analogy, then, that the shells of the testaceous tribe, receive also their growth from a like internal circulation. If it be urged, that this does not exclude the possibility of a like shell being produced by the passage of a fluid through the pores of the circumjacent body, whether of earth, stone, or water; I answer, that it is not within the usual economy of nature, to use two processes for one species of production. While I withhold my assent, however, from this hypothesis, I must deny it to every other I have ever seen, by which their authors pretend to account for the origin of shells in high places. Some of these are against the laws of nature, and therefore impossible; and others are built on positions more difficult to assent to, than that of de la Sauvagiere. They all suppose the shells to have covered submarine animals, and have then to answer the question, How came they fifteen thousand feet above the level of the sea? And they answer it, by demanding what cannot be conceded. One, therefore, who had rather have no opinion

than a false one, will suppose this question one of those beyond the investigation of human sagacity; or wait till further and fuller observations enable him to decide it.

Chanteloup. I heard a nightingale to-day at Chanteloup. The gardener says, it is the male who alone sings, while the female sits; and that when the young are hatched, he also ceases. In the border at Chanteloup, is an ingenious contrivance to hide the projecting steps of a stair-case. Three steps were of necessity to project into the boudoir: they are therefore made triangular steps; and instead of being rested on the floor, as usual, they are made fast at their broad end to the stair door, swinging out and in, with that. When it shuts, it runs them under the other steps; when open, it brings them out to their proper place. In the kitchen garden, are three pumps, worked by one horse. The pumps are placed in an equilateral triangle, each side of which is of about thirty-five feet. In the centre is a post, ten or twelve feet high, and one foot in diameter. In the top of this, enters the bent end of a lever, of about twelve or fifteen feet long, with a swingle-tree at the other end. About three feet from the bent end, it receives on a pin, three horizontal bars of iron, which at their other end lay hold of one corner of a quadrantal crank (like a bell crank) moving in a vertical plane, to the other corner of which is hooked the vertical handle of the pump. The crank turns on its point as a centre, by a pin or

pivot passing through it. The horse moving the lever horizontally in a circle, every point of the lever describes a horizontal circle. That which receives the three bars, describes a circle of six feet in diameter. It gives a stroke then of six feet to the handle of each pump, at each revolution.

Blois. Orleans. June 9, 10. At Blois, the road leaves the river, and traverses the hills, which are mostly reddish, sometimes grey, good enough, in vines, corn, St. foin. From Orleans to the river Juines, at Estampes, it is a continued plain of corn and St. foin, tolerably good, sometimes grey, sometimes red. From Estampes to Estrechy, the country is mountainous and rocky, resembling that of Fontainebleau. Quere. If it may not be the same vein?

A Tour to some of the Gardens of England.

[Memorandums made on a tour to some of the gardens in England, described by Whateley in his book on gardening.] While his descriptions, in point of style, are models of perfect elegance and classical correctness, they are as remarkable for their exactness. I always walked over the gardens with his book in my hand, examined with attention the particular spots he described, found them so justly characterized by him as to be easily recognized, and saw with wonder, that his fine imagination had never been able to seduce him from the

truth. My inquiries were directed chiefly to such practical things as might enable me to estimate the expense of making and maintaining a garden in that style. My journey was in the months of March and April, 1786.

Chiswick.—Belongs to Duke of Devonshire. A garden about six acres;—the octagonal dome has an ill effect, both within and without: the garden shows still too much of art. An obelisk of very ill effect; another in the middle of a pond useless.

Hampton-Court.—Old fashioned. Clipt yews grown wild.

Twickenham.—Pope's original garden, three and a half acres. Sir Wm. Stanhope added one and a half acres. This is a long narrow slip, grass and trees in the middle, walk all round. Now Sir Wellbore Ellis's. Obelisk at bottom of Pope's garden, as monument to his mother. Inscription, "Ah! Editha, matrum optima, mulierum amantissima, Vale." The house about thirty yards from the Thames: the ground shelves gently to the water side; on the back of the house passes the street, and beyond that the garden. The grotto is under the street, and goes out level to the water. In the centre of the garden a mound with a spiral walk round it. A rookery.

Esher-Place.—The house in a bottom near the river; on the other side the ground rises pretty much. The road by which we come to the house forms a dividing line in the middle of the front;

on the right are heights, rising one beyond and above another, with clumps of trees; on the farthest a temple. A hollow filled up with a clump of trees, the tallest in the bottom, so that the top is quite flat. On the left the ground descends. Clumps of trees, the clumps on each hand balance finely—a most lovely mixture of concave and convex. The garden is of about forty-five acres, besides the park which joins. Belongs to Lady Frances Pelham.

Claremont.—Lord Clive's. Nothing remarkable.

Paynshill.—Mr. Hopkins. Three hundred and twenty-three acres, garden and park all in one. Well described by Whateley. Grotto said to have cost £7,000. Whateley says one of the bridges is of stone, but both now are of wood, the lower sixty feet high: there is too much evergreen. The dwelling-house built by Hopkins, ill-situated: he has not been there in five years. He lived there four years while building the present house. It is not finished; its architecture is incorrect. A Doric temple, beautiful.

Woburn.—Belongs to Lord Peters. Lord Loughborough is the present tenant for two lives. Four people to the farm, four to the pleasure garden, four to the kitchen garden. All are intermixed, the pleasure garden being merely a highly-ornamented walk through and round the divisions of the farm and kitchen garden.

Caversham.—Sold by Lord Cadogan to Major Marsac. Twenty-five acres of garden, four hundred

acres of park, six acres of kitchen garden. A large lawn, separated by a sunk fence from the garden, appears to be part of it. A straight, broad gravel walk passes before the front and parallel to it, terminated on the right by a Doric temple, and opening at the other end on a fine prospect. This straight walk has an ill effect. The lawn in front, which is pasture, well disposed with clumps of trees.

Wotton.—Now belongs to the Marquis of Buckingham, son of George Grenville. The lake covers fifty acres, the river five acres, the basin fifteen acres, the little river two acres—equal to seventy-two acres of water. The lake and great river are on a level; they fall into the basin five feet below, and that again into the little river five feet lower. These waters lie in form of an L: the house is in middle of open side, fronting the angle. A walk goes round the whole, three miles in circumference, and containing within it about three hundred acres: sometimes it passes close to the water, sometimes so far off as to leave large pasture grounds between it and the water. But two hands to keep the pleasure grounds in order; much neglected. The water affords two thousand brace of carp a year. There is a Palladian bridge, of which, I think, Whateley does not speak.

Stowe.—Belongs to the Marquis of Buckingham, son of George Grenville, and who takes it from Lord Temple. Fifteen men and eighteen boys employed in keeping pleasure grounds. Within the walk are considerable portions separated by inclosures and

used for pasture. The Egyptian pyramid is almost entirely taken down by the late Lord Temple, to erect a building there, in commemoration of Mr. Pitt, but he died before beginning it, and nothing is done to it yet. The grotto and two rotundas are taken away. There are four levels of water, receiving it one from the other. The basin contains seven acres, the lake below that ten acres. Kent's building is called the temple of Venus. The inclosure is entirely by ha-ha. At each end of the front line there is a recess like the bastion of a fort. In one of these is the temple of Friendship, in the other the temple of Venus. They are seen the one from the other, the line of sight passing, not through the garden, but through the country parallel to the line of the garden. This has a good effect. In the approach to Stowe, you are brought a mile through a straight avenue, pointing to the Corinthian arch and to the house, till you get to the arch, then you turn short to the right. The straight approach is very ill. The Corinthian arch has a very useless appearance, inasmuch as it has no pretension to any destination. Instead of being an object from the house, it is an obstacle to a very pleasing distant prospect. The Grecian valley being clear of trees, while the hill on each side is covered with them, is much deepened to appearance.

Leasowes, in Shropshire.—Now the property of Mr. Horne by purchase. One hundred and fifty acres within the walk. The waters small. This

is not even an ornamented farm—it is only a grazing farm with a path round it, here and there a seat of board, rarely anything better. Architecture has contributed nothing. The obelisk is of brick. Shenstone had but three hundred pounds a year, and ruined himself by what he did to this farm. It is said that he died of the heart-aches which his debts occasioned him. The part next the road is of red earth, that on the further part grey. The first and second cascades are beautiful. The landscape at number eighteen, and prospect at thirty-two, are fine. The walk through the wood is umbrageous and pleasing. The whole arch of prospect may be of ninety degrees. Many of the inscriptions are lost.

Hagley, now Lord Wescot's.—One thousand acres: no distinction between park and garden—both blended, but more of the character of garden. Eight or nine laborers keep it in order. Between two and three hundred deer in it, some of them red deer. They breed sometimes with the fallow. This garden occupying a descending hollow between the Clent and Witchbury hills, with the spurs from those hills, there is no level in it for a spacious water. There are, therefore, only some small ponds. From one of these there is a fine cascade; but it can only be occasionally, by opening the sluice. This is in a small, dark, deep hollow, with recesses of stone in the banks on every side. In one of these is a Venus predique, turned half round as if inviting you with her into the recess. There is another

cascade seen from the portico on the bridge. The castle is triangular, with a round tower at each angle, one only entire; it seems to be between forty and fifty feet high. The ponds yield a great deal of trout. The walks are scarcely gravelled.

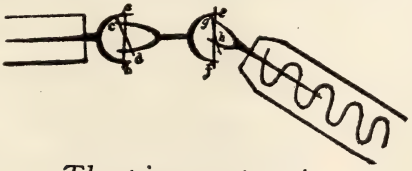
Blenheim.—Twenty-five hundred acres, of which two hundred is garden, one hundred and fifty water, twelve kitchen garden, and the rest park. Two hundred people employed to keep it in order, and to make alterations and additions. About fifty of these employed in pleasure grounds. The turf is mowed once in ten days. In summer, about two thousand fallow deer in the park, and two or three thousand sheep. The palace of Henry II. was remaining till taken down by Sarah, widow of the first Duke of Marlborough. It was on a round spot levelled by art, near what is now water, and but a little above it. The island was a part of the high road leading to the palace. Rosamond's bower was near where is now a little grove, about two hundred yards from the palace. The well is near where the bower was. The water here is very beautiful, and very grand. The cascade from the lake, a fine one; except this the garden has no great beauties. It is not laid out in fine lawns and woods, but the trees are scattered thinly over the ground, and every here and there small thickets of shrubs, in oval raised beds, cultivated, and flowers among the shrubs. The gravelled walks are broad—art appears too much. There are but a few seats in it, and noth-

ing of architecture more dignified. There is no one striking position in it. There has been a great addition to the length of the river since Whateley wrote.

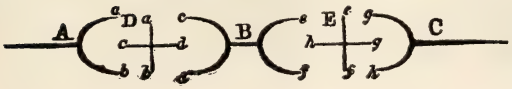
Enfield Chase.—One of the four lodges. Garden about sixty acres. Originally by Lord Chatham, now in the tenure of Dr. Beaver, who married the daughter of Mr. Sharpe. The lease lately renewed—not in good repair. The water very fine; would admit of great improvement by extending walks, etc., to the principal water at the bottom of the lawn.

Moor Park.—The lawn about thirty acres. A piece of ground up the hill of six acres. A small lake. Clumps of spruce firs. Surrounded by walk—separately inclosed—destroys unity. The property of Mr. Rous, who bought of Sir Thomas Dundas. The building superb; the principal front a Corinthian portico of four columns; in front of the wings a colonnade, Ionic, subordinate. Back front a terrace, four Corinthian pilasters. Pulling down wings of building; removing deer; wants water.

Kew.—Archimedes' screw for raising water. A horizontal shaft made to turn the oblique one of the screw by a patent machinery of this form:



The pieces separate.



A is driven by its shank into the horizontal axis of the wheel which turns the machine.

B is an intermediate iron to connect the motion of A and C.

C is driven by its shank into the axis of the screw.

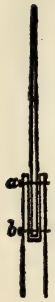
D is a cross axis, the ends, *a* and *b*, going into the corresponding holes *a* and *b* of the iron A, and the ends, *c* and *d*, going into the corresponding holes *c* and *d* of the iron B.

E is another cross axis, the ends, *e* and *f*, going into the corresponding holes *e* and *f* of the iron B, and the ends, *g* and *h*, going into the corresponding holes *g* and *h* of the iron C.

Memorandums on a Tour from Paris to Amsterdam, Strasburg, and back to Paris.

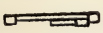
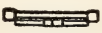
March 3d, 1788.

Amsterdam.—Joists of houses placed, not with their sides horizontally and perpendicularly, but diamond wise, thus: ◇ first, for greater strength; second, to arch between with brick, thus: Windows opening so that they admit air and not rain. The upper sash opens on a horizontal axis, or pins in the centre of the sides, the lower sash slides up.



Manner of fixing a flag staff on the mast of a vessel: *a* is the bolt on which it turns; *b* a bolt which is taken in and out to fasten it or to let it down. When taken out, the lower end of the staff is shoved out of its case, and the upper end being heaviest brings itself down: a rope must have been previously fastened to the butt end, to pull it down again when you want to raise the flag end. Dining tables letting down with single or double leaves, so as to take the room of their thickness only with a single leaf when open,

thus: or thus: double-leaves open:

shut, thus:  or thus:  shut:

Peat costs about one doit each, or twelve and a half stivers the hundred. One hundred make seven cubic feet, and to keep a tolerably comfortable fire for a study or chamber, takes about six every hour and a half.

A machine for drawing light *empty* boats over a dam at Amsterdam. It is an axis in peritrochio fixed on the dam. From the dam each way is a sloping stage, the boat is presented to this, the rope of the axis made fast to it, and it is drawn up. The water on one side of the dam is about four feet higher than on the other.

The camels used for lightening ships over the Pampus will raise the ships eight feet. There are

beams passing through the ship's sides, projecting to the off side of the camel and resting on it; of course that alone would keep the camel close to the ship. Besides this, there are a great number of windlasses on the camels, the ropes of which are made fast to the gunwale of the ship. The camel is shaped to the ship on the near side, and straight on the off one. When placed along side, water is let into it so as nearly to sink it; in this state it receives the beams, etc., of the ship, and then the water is pumped out.

Wind saw-mills. See the plans detailed in the moolen book which I bought. A circular foundation of brick is raised about three or four feet high, and covered with a curb or sill of wood, and has little rollers under its sill which make it turn easily on the curb. A hanging bridge projects at each end about fifteen or twenty feet beyond the circular area, thus: horizontally, and thus: in the profile to increase the play of the timbers on the frame. The wings are at one side, as at *a;* there is a shelter over the hanging bridges, but of plank with scarce any frame, very light.

A bridge across a canal formed by two scows, which open each to the opposite shore and let boats pass.

A lanthern over the street door, which gives light equally into the antechamber and the street. It

is a hexagon, and occupies the place of the middle pane of glass in the circular top of the street door.

A bridge on a canal, turning on a swivel, by which means it is arranged along the side of the canal so as not to be in the way of boats when not in use. When used, it is turned across the canal. It is, of course, a little more than double the width of the canal.

Hedges of beech, which, not losing the old leaf till the new bud pushes it off, has the effect of an evergreen as to cover.

Mr. Ameshoff, merchant at Amsterdam. The distribution of his aviary is worthy of notice. Each kind of the large birds has its coop eight feet wide and four feet deep; the middle of the front is occupied by a broad glass window, on one side of which is a door for the keeper to enter at, and on the other a little trap-door for the birds to pass in and out. The floor strewed with clean hay. Before each coop is a court of eight by sixteen feet, with wire in front and netting above, if the fowls be able to fly. For such as require it, there are bushes of evergreen growing in their court for them to lay their eggs under. The coops are frequently divided into two stories: the upper for those birds which perch, such as pigeons, etc., the lower for those which feed on the ground, as pheasants, partridges, etc. The court is in common for both stories, because the birds do no injury to each other. For the water-fowl there is a pond of water passing through the courts, with a movable separation. While they

are breeding they must be separate, afterwards they may come together. The small birds are some of them in a common aviary, and some in cages.

The Dutch wheelbarrow is in this form: which is very convenient for loading and unloading.

Mr. Hermen Hend Damen, merchant-broker of Amsterdam, tells me that the emigrants to America come from the Palatinate down the Rhine, and take shipping from Amsterdam. Their passage is ten guineas if paid here, and eleven if paid in America. He says they might be had in any number to go to America, and settle lands as tenants on half stocks or metairies. Perhaps they would serve their employer one year as an indemnification for the passage, and then be bound to remain on his lands seven years. They would come to Amsterdam at their own expense. He thinks they would employ more than fifty acres each; but *quære*, especially if they have fifty acres for their wife also?

Hodson.—The best house. Stadhonderian, his son, in the government. Friendly, but old and very infirm.

Hope.—The first house in Amsterdam. His first object England; but it is supposed he would like to have the American business also, yet he would probably make our affairs subordinate to those of England.

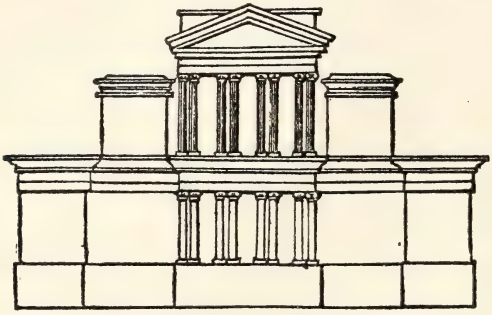
Vollenhoven.—An excellent old house; connected with no party.

Sapportus.—A brother, very honest and ingenuous, well-disposed; acts for Hope, but will say with truth what he can do for us. The best person to consult with as to the best house to undertake a piece of business. He has brothers in London in business. Jacob Van Staphorst tells me there are about fourteen millions of florins, new money, placed in loans in Holland every year, being the savings of individuals out of their annual revenue, etc. Besides this, there are every year reimbursements of old loans from some quarter or other to be replaced at interest in some new loan.

1788. March 16th. Baron Steuben has been generally suspected of having suggested the first idea of the self-styled Order of Cincinnati. But Mr. Adams tells me, that in the year 1776 he had called at a tavern in the State of New York, to dine, just at the moment when the British army was landing at Frog's Neck. Generals Washington, Lee, Knox, and Parsons, came to the same tavern. He got into conversation with Knox. They talked of ancient history—of Fabius, who used to raise the Romans from the dust; of the present contest, etc.; and General Knox, in the course of the conversation, said he should wish for some ribbon to wear in his hat, or in his buttonhole, to be transmitted to his descendants as a badge and a proof that he had fought in defence of their liberties. He spoke of it in such precise terms, as showed he had revolved it in his mind before. Mr. Adams says he and Knox

were standing together in the door of the tavern, and does not recollect whether General Washington and the others were near enough to hear the conversation, or were even in the room at that moment. Baron Steuben did not arrive in America till above a year after that. Mr. Adams is now fifty-three years old, *i. e.* nine years more than I am.

It is said this house will cost four tons of silver,



HOPE'S HOUSE, NEAR HARLAEM.

or forty thousand pounds sterling. The separation between the middle building and wings in the upper story has a capricious appearance, yet a pleasing one. The right wing of the house (which is the left in the plan) extends back to a great length, so as to make the ground plan in the form of an L. The parapet has a panel of wall, and a panel of balusters alternately, which lighten it. There is no portico, the columns being backed against the wall of the front.

March 30th, 31st. *Amsterdam. Utrecht. Nimeguen.* The lower parts of the low countries seem

partly to have been gained from the sea, and partly to be made up of the plains of the Yssel, the Rhine, the Maese and the Schelde united. To Utrecht nothing but plains are seen, a rich black mould, wet, lower than the level of the waters which intersect it; almost entirely in grass; few or no farm-houses, as the business of grazing requires few laborers. The canal is lined with country houses, which bespeak the wealth and cleanliness of the country; but generally in an uncouth state, and exhibiting no regular architecture. After passing Utrecht, the hills northeast of the Rhine come into view, and gather in towards the river, till at Wyck Dursted they are within three or four miles, and at Amelengen they join the river. The plains, after passing Utrecht, become more sandy; the hills are very poor and sandy, generally waste in broom, sometimes a little corn. The plains are in corn, grass, and willow. The plantations of the latter are immense, and give it the air of an uncultivated country. There are now few chateaux; farm-houses abound, built generally of brick, and covered with tile or thatch. There are some apple trees, but no forest; a few inclosures of willow wattling. In the gardens are hedges of beech, one foot apart, which, not losing its old leaves till they are pushed off in the spring by the young ones, gives the shelter of evergreens. The Rhine is here about three hundred yards wide, and the road to Nimeguen passing it a little below Wattelingen, leaves Hetern in sight

on the left. On this side, the plains of the Rhine, the Ling, and the Waal unite. The Rhine and Waal are crossed on vibrating boats, the rope supported by a line of seven little barks. The platform by which you go on to the ferry-boat is supported by boats. The view from the hill at Cress is sublime. It commands the Waal, and extends far up the Rhine. That also up and down the Waal from the Bellevue of Nimeguen, is very fine. The chateau here is pretended to have lodged Julius Cæsar. This is giving it an antiquity of at least eighteen centuries, which must be apocryphal. Some few sheep to-day, which were feeding in turnip patches.

April 1st. *Cranenburg. Cleves. Santen. Reynberg. Hoogstraat.* The transition from ease and opulence to extreme poverty is remarkable on crossing the line between the Dutch and Prussian territories. The soil and climate are the same; the governments alone differ. With the poverty, the fear also of slaves is visible in the faces of the Prussian subjects. There is an improvement, however, in the physiognomy, especially could it be a little brightened up. The road leads generally over the hills, but sometimes through skirts of the plains of the Rhine. These are always extensive and good. They want manure, being visibly worn down. The hills are almost always sandy, barren, uncultivated, and insusceptible of culture, covered with broom and moss; here and there a little indifferent forest,

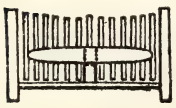
which is sometimes of beech. The plains are principally in corn; some grass and willow. There are no chateaux, nor houses that bespeak the existence even of a middle class. Universal and equal poverty overspreads the whole. In the villages, too, which seem to be falling down, the over-proportion of women is evident. The cultivators seem to live on their farms. The farm-houses are of mud, the better sort of brick; all covered over with thatch. Cleves is little more than a village. If there are shops or magazines of merchandise in it, they show little. Here and there at a window some small articles are hung up within the glass. The gooseberry beginning to leaf.

April 2d. Passed the Rhine at *Essenberg*. It is there about a quarter of a mile wide, or five hundred yards. It is crossed in a scow with sails. The wind being on the quarter, we were eight or ten minutes only in the passage. Duysberg is but a village in fact, walled in; the buildings mostly of brick. No new ones, which indicate a thriving state. I had understood that near that were remains of the encampment of Varus, in which he and his legions fell by the arms of Arminius (in the time of Tiberius I think it was), but there was not a person to be found in Duysberg who could understand either English, French, Italian, or Latin. So I could make no inquiry.

From *Duysberg* to *Dusseldorf* the road leads sometimes over the hills, sometimes through the plains

of the Rhine, the quality of which is as before described. On the hills, however, are considerable groves of oak, of spontaneous growth, which seem to be of more than a century; but the soil being barren, the trees, though high, are crooked and knotty. The undergrowth is broom and moss. In the plains is corn entirely. As they are become rather sandy for grass, there are no inclosures on the Rhine at all. The houses are poor and ruinous, mostly of brick, and scantling mixed. A good deal of grape cultivated.

Dusseldorf.—The gallery of paintings is sublime, particularly the room of Vanderwerff. The plains from Dusseldorf to Cologne are much more extensive, and go off in barren downs at some distance from the river. These downs extend far, according to appearance. They are manuring the plains with lime. A gate at the Elector's chateau on this road in this form. We cross at Cologne on a pendulum boat. I observe the hog of this country (Westphalia), of which the celebrated ham is made, is tall, gaunt, and with heavy lop ears. Fatted at a year old would weigh one hundred or one hundred and twenty pounds. At two years old, two hundred pounds. Their principal food is acorns. The pork, fresh, sells at two and a half pence sterling the pound. The hams, ready made, at eight and a half pence sterling the pound. One hundred and six pounds of this country are equal to



one hundred pounds of Holland. About four pounds of fine Holland salt are put on one hundred pounds of pork. It is smoked in a room which has no chimney. Well-informed people here tell me there is no other part of the world where the bacon is smoked. They do not know that we do it. Cologne is the principal market of exportation. They find that the small hog makes the sweetest meat.

Cologne is a sovereign city, having no territory out of its walls. It contains about sixty thousand inhabitants; appears to have much commerce, and to abound with poor. Its commerce is principally in the hands of Protestants, of whom there are about sixty houses in the city. They are extremely restricted in their operations, and otherwise oppressed in every form by the government, which is Catholic, and excessively intolerant. Their Senate, some time ago, by a majority of twenty-two to eighteen, allowed them to have a church; but it is believed this privilege will be revoked. There are about two hundred and fifty Catholic churches in the city. The Rhine is here about four hundred yards wide. This city is in 51° latitude, wanting about 6′. Here the vines begin, and it is the most northern spot on the earth on which wine is made. Their first grapes came from Orleans, since that from Alsace, Champagne, etc. It is thirty-two years only since the first vines were sent from Cassel, near Mayence, to the Cape of Good Hope, of which the Cape wine is now made. Afterwards

new supplies were sent from the same quarter. That I suppose is the most southern spot on the globe where wine is made, and it is singular that the same vine should have furnished two wines as much opposed to each other in quality as in situation. I was addressed here by Mr. Damen, of Amsterdam, to Mr. Jean Jaques Peuchen, of this place, merchant.

April 4th. *Cologne. Bonne. Andernach. Coblentz.* I saw many walnut trees to-day in the open fields. It would seem as if this tree and wine required the same climate. The soil begins now to be reddish, both on the hills and in the plains. Those from Cologne to Bonne extend about three miles from the river on each side; but a little above Bonne they become contracted, and continue from thence to be from one mile to nothing, comprehending both sides of the river. They are in corn, some clover and rape, and many vines. These are planted in rows three feet apart both ways. The vine is left about six or eight feet high, and stuck with poles ten or twelve feet high. To these poles they are tied in two places, at the height of about two and four feet. They are now performing this operation. The hills are generally excessively steep, a great proportion of them barren; the rest in vines principally, sometimes small patches of corn. In the plains, though rich, I observed they dung their vines plentifully; and it is observed here, as elsewhere, that the plains yield much wine, but bad.

The good is furnished from the hills. The walnut, willow, and apple tree beginning to leaf.

Andernach is the port on the Rhine to which the famous mill-stones of Cologne are brought; the quarry, as some say, being at Mendich, three or four leagues from thence. I suppose they have been called Cologne mill-stones, because the merchants of that place having the most extensive correspondence, have usually sent them to all parts of the world. I observed great collections of them at Cologne. This is one account.

April 5th. *Coblentz. Nassau.* Another account is, that these stones are cut at Triers and brought down the Moselle. I could not learn the price of them at the quarry; but I was shown a grind-stone of the same stone, five feet diameter, which cost at Triers six florins. It was of but half the thickness of a mill-stone. I supposed, therefore, that two mill-stones would cost about as much as three of these grind-stones, *i. e.*, about a guinea and a half. This country abounds with slate.

The best Moselle wines are made about fifteen leagues from hence, in an excessively mountainous country. The first quality (without any comparison) is that made on the mountain of Brownberg, adjoining to the village of Dusmond; and the best crop is that of the Baron Breidbach Burrhesheim, grand Chambellan et grand Baillif de Coblentz. His Receveur, of the name of Mayer, lives at Dusmond. The last fine year was 1783, which sells now at

fifty louis the foudre, which contains six aumes of one hundred and seventy bottles each, equal to about one thousand one hundred and ten bottles. This is about twenty-two sous Tournois the bottle. In general, the Baron Burrhesheim's crops will sell as soon as made, say at the vintage, for one hundred and thirty, one hundred and forty, and one hundred and fifty ecus the foudre (the ecu is one and a half florins of Holland), say two hundred. 2. Vialen is the second quality, and sells new at one hundred and twenty ecus the foudre. 3. Crach-Bispost is the third, and sells for about one hundred and five ecus. I compared Crach of 1783 with Baron Burrhesheim's of the same year. The latter is quite clear of acid, stronger, and very sensibly the best. 4. Selting, which sells at one hundred ecus. 5. Kous-Berncastle, the fifth quality, sells at eighty or ninety. After this there is a gradation of qualities down to thirty ecus. These wines must be five or six years old before they are quite ripe for drinking. One thousand plants yield a foudre of wine a year in the most plentiful vineyards. In other vineyards, it will take two thousand or two thousand and five hundred plants to yield a foudre. The culture of one thousand plants costs about one louis a year. A day's labor of a man is paid in winter twenty kreitzers (*i. e.*, one-third of a florin), in summer twenty-six; a woman's is half that. The red wines of this country are very indifferent, and will not keep. The Moselle is here from one hundred to two

hundred yards wide; the Rhine three hundred to four hundred. A jessamine in the Count de Moustier's garden in leaf.

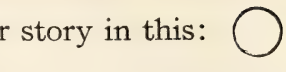
In the Elector of Treves' palace at Coblentz, are large rooms very well warmed by warm air conveyed from an oven below, through tubes which open into the rooms. An oil and vinegar cruet in this form: At Coblentz we pass the river on a pendulum boat, and the road to Nassau is over tremendous hills, on which is here and there a little corn, more vines, but mostly barren. In some of these barrens are forests of beech and oak, tolerably large, but crooked and knotty; the undergrowth beech brush, broom, and moss. The soil of the plains, and of the hills where they are cultivable, is reddish. Nassau is a village the whole rents of which should not amount to more than a hundred or two guineas. Yet it gives the title of Prince to the house of Orange to which it belongs.

April 6th. *Nassau. Schwelbach. Wisbaden. Hocheim. Frankfort.* The road from Nassau to Schwelbach is over hills, or rather mountains, both high and steep; always poor, and above half of them barren in beech and oak. At Schwelbach there is some chestnut. The other parts are either in winter grain, or preparing for that of the spring. Between Schwelbach and Wisbaden we come in sight of the plains of the Rhine, which are very

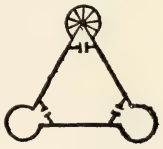
extensive. From hence the lands, both high and low, are very fine, in corn, vines, and fruit trees. The country has the appearance of wealth, especially in the approach to Frankfort.

April 7th. *Frankfort.* Among the poultry, I have seen no turkeys in Germany till I arrive at this place. The stork, or crane, is very commonly tame here. It is a miserable, dirty, ill-looking bird. The Lutheran is the reigning religion here, and is equally intolerant to the Catholic and Calvinist, excluding them from the free corps.

April 8th. *Frankfort. Hanau.* The road goes through the plains of the Maine, which are mulatto, and very fine. They are well cultivated till you pass the line between the republic and the landgraviate of Hesse, when you immediately see the effect of the difference of government, notwithstanding the tendency which the neighborhood of such a commercial town as Frankfort has to counteract the effects of tyranny in its vicinities, and to animate them in spite of oppression. In Frankfort all is life, bustle, and motion; in Hanau the silence and quiet of the mansions of the dead. Nobody is seen moving in the streets; every door is shut; no sound of the saw, the hammer, or other utensil of industry. The drum and fife are all that is heard. The streets are cleaner than a German floor, because nobody passes them. At Williamsbath, near Hanau, is a country seat of the Landgrave. There is a ruin which is clever. It presents the remains of an old castle. The ground plan is

in this form: The upper story in this: 

A circular room of thirty-one and a half feet diameter within. The four little square towers at the corners finish at the floor of the upper story, so as to be only platforms to walk out on. Over the circular room is a platform also, which is covered by the broken parapet which once crowned the top, but is now fallen off some parts, whilst the other parts remain. I like better, however, the form of the ruin at Hagley, in England, which was thus a sentry box here, covered over with bark, so as to look exactly like the trunk of an old tree. This is a good idea; and may be of much avail in a garden. There is a hermitage in which is a good figure of a hermit in plaster, colored to the life, with a table and book before him, in the attitude of reading and contemplation. In a little cell is his bed; in another his books, some tools, etc.; in another his little provision of firewood, etc. There is a monument erected to the son of the present landgrave, in the form of a pyramid, the base of which is eighteen and a half feet. The side declines from the perpendicular about twenty-one and a half degrees. An arch is carried through it both ways so as to present a door in each side. In the middle of this, at the crossing of the two arches, is a marble monument with this inscription: "ante



tempus." He died at twelve years of age. Between Hanau and Frankfort, in sight of the road, is the village of Bergen, where was fought the battle of Bergen in the war before last. Things worth noting here are: 1. A folding ladder. 2. Manner of packing china cups and saucers, the former in a circle within the latter. 3. The marks of different manufactures of china, to wit: Dresden with two swords. Hecks with a wheel with W, Frankendaal with C (for Charles Theodore), and a crown over it. Berlin with 4. The top rail of a wagon supported by the washers on the ends of the axle-trees.

April 10th. *Frankfort. Hocheim. Mayence.* The little tyrants round about having disarmed their people, and made it very criminal to kill game, one knows when they quit the territory of Frankfort by the quantity of game which is seen. In the Republic, everybody being allowed to be armed, and to hunt on their own lands, there is very little game left in its territory. The hog hereabouts resembles extremely the little hog of Virginia. Round like that, a small head, and short upright ears. This makes the ham of Mayence so much esteemed at Paris.

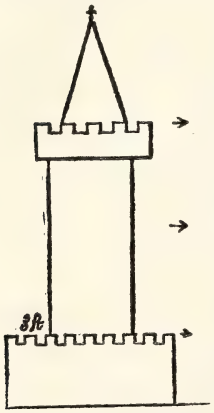
We cross the Rhine at Mayence on a bridge one thousand eight hundred and forty feet long, supported by forty-seven boats. It is not in a direct line, but curved up against the stream; which may strengthen it if the difference between the upper and

lower curve be sensible, if the planks of the floor be thick, well jointed together, and forming sectors of circles, so as to act on the whole as the stones of an arch. But it has by no means this appearance. Near one end, one of the boats has an axis in peritrochio, and a chain, by which it may be let drop down stream some distance, with the portion of the floor belonging to it, so as to let a vessel through. Then it is wound up again into place, and to consolidate it the more with the adjoining parts, the loose section is a little higher, and has at each end a folding stage, which folds back on it when it moves down, and when brought up again into place, these stages are folded over on the bridge. This whole operation takes but four or five minutes. In the winter the bridge is taken away entirely, on account of the ice. And then everything passes on the ice, through the whole winter.

April 11th. *Mayence. Rudesheim. Johansberg. Markebronn.* The women do everything here. They dig the earth, plough, saw, cut and split wood, row, tow the batteaux, etc. In a small but dull kind of batteau, with two hands rowing with a kind of large paddle, and a square sail, but scarcely a breath of wind, we went down the river at the rate of five miles an hour, making it three and a half hours to Rudesheim. The floats of wood which go with the current only, go one mile and a half an hour. They go night and day. There are five boat-mills abreast here. Their floats seem to be about eight feet

broad. The Rhine yields salmon, carp, pike, and perch, and the little rivers running into it yield speckled trout. The plains from Maintz to Rudesheim are good and in corn; the hills mostly in vines. The banks of the river are so low that, standing up in the batteau, I could generally see what was in the plains. Yet they are seldom overflowed.

Though they begin to make wine, as has been said, at Cologne, and continue it up the river indefinitely; yet it is only from Rudesheim to Hocheim that wines of the very first quality are made. The river happens there to run due east and west, so as to give its hills on that side a southern aspect. And even in this canton, it is only Hocheim, Johansberg, and Rudesheim, that are considered as of the very first quality. Johansberg is a little mountain (berg signifies mountain), whereon is a religious house, about fifteen miles below Mayence, and near the village of Vingel. It has a southern aspect, the soil a barren mulatto clay, mixed with a good deal of stone, and some slate. This wine used to be but on a par with Hocheim and Rudesheim; but the place having come to the Bishop of Fulda, he improved its culture so as to render it stronger; and since the year 1775, it sells at double the price of the other two. It has none of the acid of the Hocheim and other Rhenish wines.



A TOWER AT RUDESHEIM.

There are about sixty tuns made in a good year, which sell, as soon as of a drinkable age, at one thousand franks each. The tun here contains seven and a half aumes of one hundred and seventy bottles each. Rudesheim is a village of about eighteen or twenty miles below Mayence. Its fine wines are made on the hills about a mile below the village, which look to the south, and on the middle and lower parts of them. They are terraced. The soil is grey, about one-half of slate and rotten stone, the other half of barren clay, excessively steep. Just behind the village also is a little spot, called Hinder House, belonging to the Counts of Sicken and Oschstein, whereon each makes about a tun of wine of the very first quality. This spot extends from the bottom to the top of the hill. The vignerons of Rudesheim dung their wines about once in five or six years, putting a one-horse tumbrel load of dung on every twelve feet square. One thousand plants yield about four aumes in a good year. The best crops are,

The Chanoines of Mayence, who make	15	pieces of	7½ aumes.
Le Comte de Sicken	6	"	"
Le Comte d'Oschstein	9	"	"
L'Electeur de Mayence	6	"	"
Le Comte de Meternisch	6	"	"
Monsieur de Boze	5	"	"
M. Ackerman, baliff et aubergiste des Trois Couronnes	8	"	"
M. Ackerman le fils, aubergiste à la couronne	5	"	"
M. Lynn, aubergiste de l'ange	5	"	"
Baron de Wetzel	7	"	"

Convent de Mariahousen, des religieuses Benedictines	7	pieces of 7½ aumes.
M. Johan Yung	8	" "
M. de Rieden	5	" "
	92	

These wines begin to be drinkable at about five years old. The proprietors sell them old or young, according to the prices offered, and according to their own want of money. There is always a little difference between different casks, and therefore when you choose and buy a single cask, you pay three, four, five or six hundred florins for it. They are not at all acid, and to my taste much preferable to Hocheim, though but of the same price. Hocheim is a village about three miles above Mayence, on the Maine, where it empties into the Rhine. The spot whereon the good wine is made is the hillside from the church down to the plain, a gentle slope of about a quarter of a mile wide, and extending half a mile towards Mayence. It is of southwestern aspect, very poor, sometimes grey, sometimes mulatto, with a moderate mixture of small broken stone. The vines are planted three feet apart, and stuck with sticks about six feet high. The vine, too, is cut at that height. They are dunged once in three or four years. One thousand plants yield from one to two aumes a year: they begin to yield a little at three years old, and continue to one hundred years, unless sooner killed by a cold winter. Dick, keeper of the Rothen-house tavern at Frank-

fort, a great wine merchant, who has between three and four hundred tuns of wine in his cellars, tells me that Hocheim of the year 1783, sold, as soon as it was made, at ninety florins the aume, Rudesheim of the same year, as soon as made, at one hundred and fifteen florins, and Markebronn seventy florins. But a peasant of Hocheim tells me that the best crops of Hocheim in the good years, when sold new, sell but for about thirty-two or thirty-three florins the aume; but that it is only the poorer proprietors who sell new. The fine crops are,

Count Ingleheim about	10	tuns.	All of these keep till about fifteen years old, before they sell, unless they are offered a very good price sooner.
Baron d'Alberg	8	"	
Count Schimbon	14	"	
The Chanoines of Mayence	18	"	
Counsellor Schik de Vetsler	15	"	
Convent of Jacobsberg	8	"	
The Chanoine of Fechbach	10	"	
The Carmelites of Frankfort	8	"	Who only sell by the bottle in their own tavern in Frankfort.
The Bailiff of Hocheim	11	"	Who sells at three or four years old.
Zimmerman, a bourgeois	4	"	These being poor, sell new.
Feldman, a carpenter	2	"	

Markebronn (bronn signifies a spring, and is probably of affinity with the Scotch word, burn) is a little canton in the same range of hills, adjoining to the village of Hagenheim, about three miles above Johansberg, subject to the elector of Mayence. It is a sloping hillside of southern aspect, mulatto, poor, and mixed with some stone. This yields wine of the second quality.

April 12th. *Mayence. Oppenheim. Dorms. Manheim.* On the road between Mayence and Oppenheim are three cantons, which are also esteemed as yielding wines of the second quality. These are Laudenheim, Bodenheim, and Nierstein. Laudenheim is a village about four or five miles from Mayence. Its wines are made on a steep hillside, the soil of which is grey, poor and mixed with some stone. The river there happens to make a short turn to the southwest, so as to present its hills to the southeast. Bodenheim is a village nine miles, and Nierstein another about ten or eleven miles from Mayence. Here, too, the river is northeast and southwest, so as to give the hills between these villages a southeast aspect; and at Thierstein, a valley making off, brings the face of the hill round to the south. The hills between these villages are almost perpendicular, of a vermilion red, very poor, and having as much rotten stone as earth. It is to be observed that these are the only cantons on the south side of the river which yield good wine, the hills on this side being generally exposed to the cold winds, and turned from the sun. The annexed bill of prices current, will give an idea of the estimation of these wines respectively.

With respect to the grapes in this country, there are three kinds in use for making white wine, (for I take no notice of the red wines, as being absolutely worthless). 1. The Klemperien, of which the inferior qualities of Rhenish wines are made, and is

cultivated because of its hardness. The wines of this grape descend as low as one hundred florins the tun of eight aumes. 2. The Rhysslin grape, which grows only from Hocheim down to Rudesheim. This is small and delicate, and therefore succeeds only in this chosen spot. Even at Rudesheim it yields a fine wine only in the little spot called Hinder House, before mentioned; the mass of good wines made at Rudesheim, below the village, being of the third kind of grape, which is called the Orleans grape.

To Oppenheim the plains of the Rhine and Maine are united. From that place we see the commencement of the Berg-strasse, or mountains which separate at first the plains of the Rhine and Maine, then cross the Neckar at Heidelberg, and from thence forms the separation between the plains of the Neckar and Rhine, leaving those of the Rhine about ten or twelve miles wide. These plains are sometimes black, sometimes mulatto, always rich. They are in corn, potatoes, and some willow. On the other side again, that is, on the west side, the hills keep at first close to the river. They are about one hundred and fifty or two hundred feet high, sloping, red, good, and mostly in vines. Above Oppenheim they begin to go off till they join the mountains of Lorraine and Alsace, which separate the waters of the Moselle and Rhine, leaving to the whole valley of the Rhine about twenty or twenty-five miles breadth. About Worms these plains are sandy, poor, and often covered only with small pine.

April 13th. *Manheim.* There is a bridge over the Rhine here, supported on thirty-nine boats, and one over the Neckar on eleven boats. The bridge over the Rhine is twenty-one and a half feet wide from rail to rail. The boats are four feet deep, fifty-two feet long, and nine feet eight inches broad. The space between boat and boat is eighteen feet ten inches. From these data the length of the bridge should be 9ft. 8in. + 18ft. 10in. × 40 = 1140 feet. In order to let vessels pass through, two boats well framed together, with their flooring, are made to fall down stream together. Here, too, they make good ham. It is fattened on round potatoes and Indian corn. The farmers smoke what is for their own use in their chimneys. When it is made for sale, and in greater quantities than the chimney will hold, they make the smoke of the chimney pass into an adjoining loft, or apartment, from which it has no issue; and here they hang their hams.

An economical curtain bedstead. The bedstead is seven feet by four feet two inches. From each leg there goes up an iron rod three-eighths of an inch in diameter. Those from the legs at the foot of the bed meeting at top as in the margin, and those from the head meeting in like manner, so that the two at the foot form one point, and the two at the head another. On these points lays an oval iron rod, whose

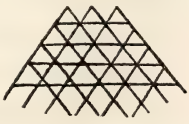
long diameter is five feet, and short one three feet one inch. There is a hole through this rod at each end, by which it goes on firm on the point of the upright rods. Then a nut screws it down firmly. Ten breadths of stuff two feet ten inches wide, and eight feet six inches long, form the curtains. There is no top nor vallons. The rings are fastened within two and a half or three inches of the top on the inside, which two and a half or three inches stand up, and are an ornament somewhat like a ruffle.

I have observed all along the Rhine that they make the oxen draw by the horns. A pair of very handsome chariot horses, large, bay, and seven, years old, sell for fifty louis. One pound of beef sells for eight kreitzers, (*i. e.* eight sixtieths of a florin;) one pound of mutton or veal, six kreitzers; one pound of pork, seven and a half kreitzers; one pound of ham, twelve kreitzers; one pound of fine, wheat bread, two kreitzers; one pound of butter, twenty kreitzers; one hundred and sixty pounds of wheat, six francs; one hundred and sixty pounds of maize, five francs; one hundred and sixty pounds of potatoes, one franc; one hundred pounds of hay, one franc; a cord of wood (which is 4 4 and 6 feet), seven francs; a laborer by the day receives twenty-four kreitzers, and feeds himself. A journee or arpent of land (which is eight by two hundred steps), such as the middling plains of the Rhine, will sell for two hundred francs. There are more soldiers here than other inhabitants, to wit: six thousand

soldiers and four thousand males of full age of the citizens, the whole number of whom is reckoned at twenty thousand.

April 14th. *Manheim. Dossenheim. Heidelberg. Schwetzingen Manheim.* The elector placed, in 1768, two males and five females of the Angora goat at Dossenheim, which is at the foot of the Bergstrasse mountains. He sold twenty-five last year, and has now seventy. They are removed into the mountains four leagues beyond Dossenheim. Heidelberg is on the Neckar just where it issues from the Bergstrasse mountains, occupying the first skirt of plain which it forms. The château is up the hill a considerable height. The gardens lie above the château, climbing up the mountain in terraces. This château is the most noble ruin I have ever seen, having been reduced to that state by the French in the time of Louis XIV., 1693. Nothing remains under cover but the chapel. The situation is romantic and pleasing beyond expression. It is on a great scale much like the situation of Petrarch's château, at Vaucluse, on a small one. The climate, too, is like that of Italy. The apple, the pear, cherry, peach, apricot, and almond, are all in bloom. There is a station in the garden to which the château re-echoes distinctly four syllables. The famous tun of Heidelberg was new built in 1751, and made to contain thirty foudres more than the ancient one. It is said to contain two hundred and thirty-six foudres of one thousand two hundred bottles each. I

measured it, and found its length external to be twenty-eight feet ten inches; its diameter at the end twenty feet three inches; the thickness of the staves seven and a half inches; thickness of the hoops seven and a half inches; besides a great deal of external framing. There is no wine in it now. The gardens at Schwetzingen show how much money may be laid out to make an ugly thing. What is called the English quarter, however, relieves the eye from the straight rows of trees, round and square basins, which constitute the great mass of the garden. There are some tolerable morsels of Grecian architecture, and a good ruin. The Aviary, too, is clever. It consists of cells of about eight feet wide, arranged round, and looking into a circular area of about forty or fifty feet diameter. The cells have doors both of wire and glass, and have small shrubs in them. The plains of the Rhine on this side are twelve miles wide, bounded by the Bergstrasse mountains. These appear to be eight hundred or a thousand feet high; the lower part in vines, from which is made what is called the vin de Nichar; the upper in chestnut. There are some cultivated spots however, quite to the top. The plains are generally mulatto, in corn principally; they are planting potatoes in some parts, and leaving others open for maize and tobacco. Many peach and other fruit trees on the lower part of the mountain. The paths on some parts



of these mountains are somewhat in the style represented in the margin.

Manheim. Kaeferthal. Manheim. Just beyond Kaeferthal is an extensive, sandy waste, planted in pine, in which the elector has about two hundred sangliers, tamed. I saw about fifty; the heaviest I am told, would weigh about three hundred pounds. They are fed on round potatoes, and range in the forest of pines. At the village of Kaeferthal is a plantation of rhubarb, begun in 1769, by a private company. It contains twenty arpens or jourries, and its culture costs about four or five hundred francs a year; it some times employs forty or fifty laborers at a time. The best age to sell the rhubarb at is the fifth or sixth year, but the sale being dull, they keep it sometimes to the tenth year; they find it best to let it remain in the ground. They sell about two hundred kentals a year at two or three francs a pound, and could sell double that quantity from the ground if they could find a market. The apothecaries of Frankfort and of England are the principal buyers. It is in beds, resembling lettuce-beds; the plants four, five or six feet apart. When dug, a thread is passed through every piece of root, and it is hung separate in a kind of rack; when dry it is rasped; what comes off is given to the cattle.

April 15. *Manheim. Spire. Carlsruhe.* The valley preserves its width, extending on each side of the river about ten or twelve miles, but the soil

loses much in its quality, becoming sandy and lean, often barren and overgrown with pine thicket. At Spire is nothing remarkable. Between that and Carlsruhe we pass the Rhine in a common scow with oars, where it is between three and four hundred yards wide. Carlsruhe is the residence of the Margrave of Baden, a sovereign prince. His château is built in the midst of a natural forest of several leagues diameter, and of the best trees I have seen in these countries: they are mostly oak, and would be deemed but indifferent in America. A great deal of money has been spent to do more harm than good to the ground—cutting a number of straight alleys through the forest. He has a pheasantry of the gold and silver kind, the latter very tame, but the former excessively shy. A little inclosure of stone, two and a half feet high and thirty feet diameter, in which are two tamed beavers. There is a pond of fifteen feet diameter in the centre, and at each end a little cell for them to retire into, which is stowed with boughs and twigs with leaves on them, which is their principal food. They eat bread also;—twice a week the water is changed. They cannot get over this wall. Some cerfs of a peculiar kind, spotted like fawns, the horns remarkably long, small and sharp, with few points. I am not sure there were more than two to each main beam, and if I saw distinctly, there came out a separate and subordinate beam from the root of each. Eight Angora goats—beautiful animals—all white. This town is

only an appendage of the château, and but a moderate one. It is a league from Durlach, half way between that and the river. I observe they twist the flues of their stoves in any form for ornament merely, without smoking, as thus, *e. g.*

April 16. *Carlsruhe. Rastadt. Scholhoven. Bischofheim. Kehl. Strasburg.* The valley of the Rhine still preserves its breadth, but varies in quality; sometimes a rich mulatto loam, sometimes a poor sand, covered with small pine. The culture is generally corn. It is to be noted, that through the whole of my route through the Netherlands and the valley of the Rhine, there is a little red clover every here and there, and a great deal of grape cultivated. The seed of this is sold to be made into oil. The grape is now in blossom. No inclosures. The fruit trees are generally blossoming through the whole valley. The high mountains of the Bergstrasse, as also of Alsace, are covered with snow. Within this day or two, the every-day dress of the country women here is black. Rastadt is a seat also of the Margrave of Baden. Scholhoven and Kehl are in his territory, but not Bischofheim. I see no beggars since I entered his government, nor is the traveller obliged to ransom himself every moment by a chausiee gold. The roads are excellent, and made so, I presume, out of the coffers of the prince. From Cleves till I enter the Margravate of Baden, the roads have been strung with beggars—

in Hesse the most, and the road tax very heavy. We pay it cheerfully, however, through the territory of Frankfort and thence up the Rhine, because fine gravelled roads are kept up; but through the Prussian, and other parts of the road below Frankfort, the roads are only as made by the carriages, there not appearing to have been ever a day's work employed on them. At Strasburg we pass the Rhine on a wooden bridge.

At *Brussels* and *Antwerp*, the fuel is pit-coal, dug in Brabant. Through all Holland it is turf. From Cleves to Cologne it is pit-coal brought from England. They burn it in open stoves. From thence it is wood, burnt in close stoves, till you get to Strasburg, where the open chimney comes again into use.

April 16th, 17th, 18th. *Strasburg.* The vin de paille is made in the neighborhood of Colmar, in Alsace, about ——— from this place. It takes its name from the circumstance of spreading the grapes on straw, where they are preserved till spring, and then made into wine. The little juice then remaining in them makes a rich sweet wine, but the dearest in the world, without being the best by any means. They charge nine florins the bottle for it in the taverns of Strasburg. It is the caprice of wealth alone which continues so losing an operation. This wine is sought because dear; while the better wine of Frontignan is rarely seen at a good table because it is cheap.

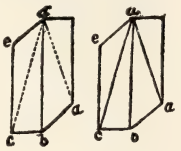
Strasburg. Saverne. Phalsbourg. As far as

Saverne the country is in waving hills and hollows; red, rich enough; mostly in small grain, but some vines; a little stone. From Saverne to Phalsbourg we cross a considerable mountain, which takes an hour to rise it.

April 19th. *Phalsbourg. Fenestrange. Moyenvic. Nancy.* Asparagus to-day at Moyenvic. The country is always either mountainous or hilly; red, tolerably good, and in small grain. On the hills about Fenestrange, Moyenvic, and Nancy, are some small vineyards where a bad wine is made. No inclosures. Some good sheep, indifferent cattle, and small horses. The most forest I have seen in France, principally of beech, pretty large. The houses, as in Germany, are of scantling, filled in with wicker and mortar, and covered either with thatch or tiles. The people, too, here as there, are gathered in villages. Oxen plough here with collars and hames. The awkward figure of their mould-board leads one to consider what should be its form. The offices of the mould-board are to receive the sod after the share has cut under it, to raise it gradually, and to reverse it. The fore-end of it, then, should be horizontal to enter under the sod, and the hind end perpendicular to throw it over; the intermediate surface changing gradually from the horizontal to the perpendicular. It should be as wide as the furrow, and of a length suited to the construction of the plough. The following would seem a good method of making it: Take a block, whose

length, breadth and thickness, are that of your intended mould-board, suppose two and a half feet long and eight inches broad and thick. Draw the lines *a d* and *c d*, figure 1, with a saw, the toothed edge of which is straight, enter at *a* and cut on, guiding the hind part of the saw on the line *a b*, and the fore part on the line *a d*, till the saw reaches the points *c* and *d*, then enter it at *c* and cut on, guiding it by the lines *c b* and *c d* till it reaches the points *b* and *d*. The quarter, *a b c d*, will then be completely cut out, and the diagonal from *d* to *b* laid bare. The piece may now be represented as in figure 2. Then saw in transversely at every two inches till the saw reaches the line *c e*, and the diagonal *b d*, and cut out the pieces with an adze. The upper surface will thus be formed. With a gauge opened to eight inches, and guided by the lines *c e*, scribe the upper edge of the board from *d b*, cut that edge perpendicular to the face of the board, and scribe it of the proper thickness. Then form the underside by the upper, by cutting transversely with the saw and taking out the piece with an adze. As the upper edge of the wing of the share rises a little, the fore end of the board, *b c*, will rise as much from a strict horizontal position, and will throw the hind end, *e d*, exactly as much beyond the perpendicular, so as to promote the reversing of the sod. The women here, as in Germany, do all sorts of work. While one

FIG. 1. FIG. 2.



considers them as useful and rational companions, one cannot forget that they are also objects of our pleasures; nor can they ever forget it. While employed in dirt and drudgery, some tag of a ribbon, some ring, or bit of bracelet, earbob or necklace, or something of that kind, will show that the desire of pleasing is never suspended in them. It is an honorable circumstance for man, that the first moment he is at his ease, he allots the internal employments to his female partner, and takes the external on himself. And this circumstance, or its reverse, is a pretty good indication that a people are, or are not at their ease. Among the Indians, this indication fails from a particular cause: every Indian man is a soldier or warrior, and the whole body of warriors constitute a standing army, always employed in war or hunting. To support that army, there remain no laborers but the women. Here, then, is so heavy a military establishment, that the civil part of the nation is reduced to women only. But this is a barbarous perversion of the natural destination of the two sexes. Women are formed by nature for attentions, not for hard labor. A woman never forgets one of the numerous train of little offices which belong to her. A man forgets often.

April 20th. *Nancy. Toule. Void. Ligny en Barrois. Bar le Duc. St. Dizier.* Nancy itself is a neat little town, and its environs very agreeable. The valley of the little branch of the Moselle, on which

it is, is about a mile wide: the road then crossing the head-waters of the Moselle, the Maese, and the Marne, the country is very hilly, and perhaps a third of it poor and in forests of beech: the other two-thirds from poor up to middling, red, and stony. Almost entirely in corn, now and then only some vines on the hills. The Moselle at Toule is thirty or forty yards wide: the Maese near Void about half that: the Marne at St. Dizier about forty yards. They all make good plains of from a quarter of a mile to a mile wide. The hills of the Maese abound with chalk. The rocks coming down from the tops of the hills, on all the road of this day, at regular intervals like the ribs of an animal, have a very irregular appearance. Considerable flocks of sheep and asses, and, in the approach to St. Dizier, great plantations of apple and cherry trees; here and there a peach tree, all in general bloom. The roads through Lorraine are strung with beggars.

April 21st. *St. Dizier. Vitry le Francais. Chalons sur Marne. Epernay.* The plains of the Marne and Sault uniting, appear boundless to the eye till we approach their confluence at Vitry, where the hills come in on the right; after that the plains are generally about a mile, mulatto, of middling quality, sometimes stony. Sometimes the ground goes off from the river so sloping, that one does not know whether to call it high or low land. The hills are mulatto also, but whitish, occasioned by the quantity of chalk which seems to constitute their universal

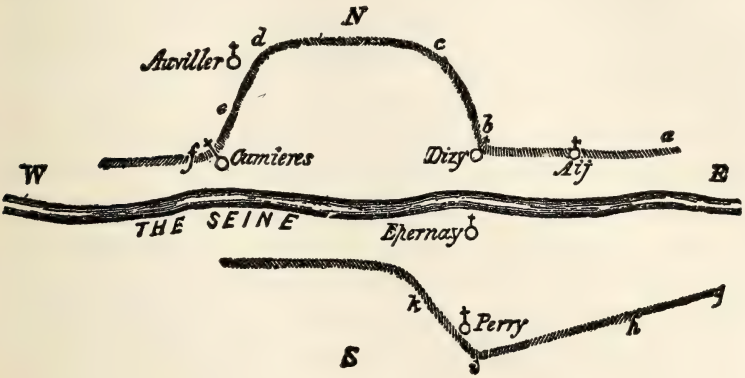
base. They are poor, and principally in vines. The streams of water are of the color of milk, occasioned by the chalk also. No inclosures, some flocks of sheep; children gathering dung in the roads. Here and there a chateau; but none considerable.

April 22d. *Epernay.* The hills abound with chalk. Of this they make lime, not so strong as stone lime, and therefore to be used in greater proportion. They cut the blocks into regular forms also, like stone, and build houses of it. The common earth, too, well impregnated with this, is made into mortar, moulded in the form of brick, dried in the sun, and houses built of them which last one hundred or two hundred years. The plains here are a mile wide, red, good, in corn, clover, lucerne, St. foin. The hills are in vines, and this being precisely the canton where the most celebrated wines of Champagne are made, details must be entered into. Remember, however, that they will always relate to the white wines, unless where the red are expressly mentioned. The reason is that their red wines, though much esteemed on the spot, are by no means esteemed elsewhere equally with their white; nor do they merit equal esteem.

A topographical sketch of the position of the wine villages, the course of the hills, and consequently the aspect of the vineyards.

Soil, meagre, mulatto clay, mixed with small broken stone, and a little hue of chalk. Very dry.

Aspect, may be better seen by the annexed diagram. The wine of Aij is made from *a* to *b*, those



of Dizij from *b* to *c*, Auvillij *d* to *e*, Cumieres *e* to *f*, Epernay *g* to *h*, Perij *i* to *k*. The hills are generally about two hundred and fifty feet high. The good wine is made only in the middle region. The lower region, however, is better than the upper; because this last is exposed to cold winds, and a colder atmosphere.

Culture. The vines are planted two feet apart. Afterwards they are multiplied (provignés). When a stock puts out two shoots they lay them down, spread them open and cover them with earth, so as to have in the end about a plant for every square foot. For performing this operation they have a hook, of this shape, and nine inches long, which, being stuck in the ground, holds down the main stock, while the laborer separates and covers

the new shoot. They leave two buds above the ground. When the vine has shot up high enough, they stick it with split sticks of oak, from an inch to an inch and a half square, and four feet long, and tie the vine to its stick with straw. These sticks cost two florins the hundred, and will last forty years. An arpent, one year with another, in the fine vineyards, gives twelve pieces, and in the inferior vineyards twenty-five pieces, of two hundred bottles each. An arpent of the first quality sells for three thousand florins, and there have been instances of seven thousand two hundred florins. The arpent contains one hundred verges, of twenty-two pieds square. The arpent of inferior quality sells at one thousand florins. They plant the vines in a hole about a foot deep, and fill that hole with good mould, to make the plant take. Otherwise it would perish. Afterwards, if ever they put dung, it is very little. During wheat harvest there is a month or six weeks that nothing is done in the vineyard, that is to say, from the 1st of August to the beginning of vintage. The vintage commences early in September, and lasts a month. A day's work of a laborer in the busiest season is twenty sous, and he feeds himself: in the least busy season it is fifteen sous. Corn lands are rented from four florins to twenty-four; but vine lands are never rented. The three façons (or workings) of an arpent cost fifteen florins. The whole year's expense of an arpent is worth one hundred florins.

Grapes.—The bulk of their grapes are purple, which they prefer for making even white wine. They press them very lightly, without treading or permitting them to ferment at all, for about an hour; so that it is the beginning of the running only which makes the bright wine. What follows the beginning is of a straw color, and therefore not placed on a level with the first. The last part of the juice, produced by strong pressure, is red and ordinary. They choose the bunches with as much care, to make wine of the very first quality, as if to eat. Not above one-eighth of the whole grapes will do for this purpose. The white grape, though not so fine for wine as the red, when the red can be produced, and more liable to rot in a moist season, yet grows better if the soil be excessively poor, and therefore in such a soil is preferred, or rather, is used of necessity, because there the red would not grow at all.

Wine.—The white wines are either mousseux, sparkling, or non-mousseux, still. The sparkling are little drunk in France, but are almost alone known and drunk in foreign countries. This makes so great a demand, and so certain a one, that it is the dearest by about an eighth, and therefore they endeavor to make all sparkling if they can. This is done by bottling in the spring, from the beginning of March till June. If it succeeds, they lose abundance of bottles, from one-tenth to one-third. This is another cause for increasing the price. To make the

still wine, they bottle in September. This is only done when they know from some circumstance that the wine will not be sparkling. So if the spring bottling fails to make a sparkling wine, they decant it into other bottles in the fall, and it then makes the very best still wine. In this operation, it loses from one-tenth to one-twentieth by sediment. They let it stand in the bottles in this case forty-eight hours, with only a napkin spread over their mouths, but no cork. The best sparkling wine, decanted in this manner, makes the best still wine, and which will keep much longer than that originally made still by being bottled in September. The sparkling wines lose their briskness the older they are, but they gain in quality with age to a certain length. These wines are in perfection from two to ten years old, and will even be very good to fifteen. 1766 was the best year ever known. 1775 and 1776 next to that. 1783 is the last good year, and that not to be compared with those. These wines stand icing very well.

Aij. M. Dorsay makes one thousand and one hundred pieces, which sell, as soon as made, at three hundred florins, and in good years four hundred florins, in the cask. I paid in his cellar, to M. Louis, his homme d'affaires, for the remains of the year 1783, three florins ten sous the bottle. Sparkling Champagne, of the same degree of excellence, would have cost four florins, (the piece and demiqueue are the same; the feuillette is one hun-

dred bottles). M. le Duc makes four hundred to five hundred pieces. M. de Villermont, three hundred pieces. M. Janson, two hundred and fifty pieces. All of the first quality, red and white in equal quantities.

Auvillaij. The Benedictine monks make one thousand pieces, red and white, but three-fourths red, both of the first quality. The king's table is supplied by them. This enables them to sell at five hundred and fifty florins the piece. Though their white is hardly as good as Dorsay's, their red is the best. L'Abbatiale, belonging to the bishop of the place, makes one thousand to twelve hundred pieces, red and white, three-fourths red, at four hundred to five hundred and fifty florins, because neighbors to the monks.

Cumieres is all of the second quality, both red and white, at one hundred and fifty to two hundred florins the piece.

Epernay. Madame Jermont makes two hundred pieces at three hundred florins. M. Patelaine, one hundred and fifty pieces. M. Mare, two hundred pieces. M. Chertems, sixty pieces. M. Lauchay, fifty pieces. M. Cousin (Aubergiste de l'hôtel de Rohan à Epernay), one hundred pieces. M. Pierrot, one hundred pieces. Les Chanoines regulieres d'Epernay, two hundred pieces. Mesdames les Ursulines religieuses, one hundred pieces. M. Gilette, two hundred pieces. All of the first quality; red and white in equal quantities.

Pierrij. M. Casotte makes five hundred pieces. M. de la Motte, three hundred pieces. M. de Failli, three hundred pieces. I tasted his wine of 1779, one of the good years. It was fine, though not equal to that of M. Dorsay, of 1783. He sells it at two florins ten sous to merchants, and three florins to individuals. Les Seminaristes, one hundred and fifty pieces. M. Hoquart, two hundred pieces. All of the first quality; white and red in equal quantities.

At Cramont, also, there are some wines of the first quality made. At Avisi also, and Aucy, Le Meni, Mareuil, Verzis-Verzenni. This last place belongs to the Marquis de Sillery. The wines are carried to Sillery, and there stored, whence they are called Vins de Sillery, though not made at Sillery.

All these wines of Epernay and Pierrij sell almost as dear as M. Dorsay's, their quality being nearly the same. There are many small proprietors who might make wine of the first quality, if they would cull their grapes, but they are too poor for this. Therefore, the proprietors before named, whose names are established, buy of the poorer ones the right to cull their vineyards, by which means they increase their quantity, as they find about one-third of the grapes will make wines of the first quality.

The lowest-priced wines of all are thirty florins the piece, red or white. They make brandy of the pumice. In very bad years, when their wines become vinegar, they are sold for six florins the

piece, and made into brandy. They yield one-tenth brandy.

White Champagne is deemed good in proportion as it is silky and still. Many circumstances derange the scale of wines. The proprietor of the best vineyard, in the best year, having bad weather come upon him while he is gathering his grapes, makes a bad wine, while his neighbor, holding a more indifferent vineyard, which happens to be ingathering while the weather is good, makes a better. The M. de Casotte at Pierrij formerly was the first house. His successors, by some imperceptible change of culture, have degraded the quality of their wines. Their cellars are admirably made, being about six, eight or ten feet wide, vaulted, and extending into the ground, in a kind of labyrinth, to a prodigious distance, with an air-hole of two feet diameter every fifty feet. From the top of the vault to the surface of the earth, is from fifteen to thirty feet. I have nowhere seen cellars comparable to these. In packing their bottles, they lay on their side; then cross them at each end, they lay laths, and on these another row of bottles, heads and points; and so on. By this means, they can take out a bottle from the top, or where they will.

April 23d. *Epernay. Château Thieray. St. Jean. Meaux. Vergalant. Paris.* From Epernay to St. Jean the road leads over hills, which in the beginning are indifferent, but get better towards the last. The plains, wherever seen, are inconsiderable.

After passing St. Jean, the hills become good, and the plains increase. The country about Vergalant is pretty. A skirt of a low ridge which runs in on the extensive plains of the Marne and Seine, is very picturesque. The general bloom of fruit trees proves there are more of them than I had imagined from travelling in other seasons, when they are less distinguishable at a distance from the forest trees.

Travelling Notes for Mr. Rutledge and Mr. Shippen, June 3, 1788.

General Observations.—On arriving at a town, the first thing is to buy the plan of the town, and the book noting its curiosities. Walk round the ramparts when there are any, go to the top of a steeple to have a view of the town and its environs.

When you are doubting whether a thing is worth the trouble of going to see, recollect that you will never again be so near it, that you may repent the not having seen it, but can never repent having seen it. But there is an opposite extreme too, that is, the seeing too much. A judicious selection is to be aimed at, taking care that the indolence of the moment have no influence in the decision. Take care particularly not to let the porters of churches, cabinets, etc., lead you through all the little details of their profession, which will load the memory with trifles, fatigue the attention, and waste that and your time. It is difficult to confine these

people to the few objects worth seeing and remembering. They wish for your money, and suppose you give it the more willingly the more they detail to you.

When one calls in the taverns for the *vin du pays*, they give what is natural and unadulterated and cheap: when *vin etrangere* is called for, it only gives a pretext for charging an extravagant price for an unwholesome stuff, very often of their own brewery. The people you will naturally see the most of will be tavern keepers, *valets de place*, and postilions. These are the hackneyed rascals of every country. Of course they must never be considered when we calculate the national character.

Objects of attention for an American.—1. Agriculture. Everything belonging to this art, and whatever has a near relation to it. Useful or agreeable animals which might be transported to America. Species of plants for the farmer's garden, according to the climate of the different States.

2. Mechanical arts, so far as they respect things necessary in America, and inconvenient to be transported thither ready-made, such as forges, stone quarries, boats, bridges, (very especially,) etc., etc.

3. Lighter mechanical arts, and manufactures. Some of these will be worth a superficial view; but circumstances rendering it impossible that America should become a manufacturing country during the time of any man now living, it would be a waste of attention to examine these minutely.

4. Gardens peculiarly worth the attention of an American, because it is the country of all others where the noblest gardens may be made without expense. We have only to cut out the superabundant plants.

5. Architecture worth great attention. As we double our numbers every twenty years, we must double our houses. Besides, we build of such perishable materials, that one half of our houses must be rebuilt in every space of twenty years, so that in that time, houses are to be built for three-fourths of our inhabitants. It is, then, among the most important arts; and it is desirable to introduce taste into an art which shows so much.

6. Painting. Statuary. Too expensive for the state of wealth among us. It would be useless, therefore, and preposterous, for us to make ourselves connoisseurs in those arts. They are worth seeing, but not studying.

7. Politics of each country, well worth studying so far as respects internal affairs. Examine their influence on the happiness of the people. Take every possible occasion for entering into the houses of the laborers, and especially at the moments of their repast; see what they eat, how they are clothed, whether they are obliged to work too hard; whether the government or their landlord takes from them an unjust proportion of their labor; on what footing stands the property they call their own, their personal liberty, etc., etc.

8. Courts. To be seen as you would see the tower of London or menagerie of Versailles with their lions, tigers, hyenas, and other beast of prey, standing in the same relation to their fellows. A slight acquaintance with them will suffice to show you that, under the most imposing exterior, they are the weakest and worst part of mankind. Their manners, could you ape them, would not make you beloved in your own country, nor would they improve it could you introduce them there to the exclusion of that honest simplicity now prevailing in America, and worthy of being cherished.

Queries as to the Rights and Duties of the United States under her Treaties with France, and the Laws of Neutrality.

1st. Do the treaties between the United States and France give to France or her citizens a *right*, when at war with a power with whom the United States are at peace, to fit out originally and from the ports of the United States, vessels armed for war with or without commission?

2d. If they give such a right, does it extend to all manner of armed vessels, or to particular kinds only? If the latter, to what kinds does it extend?

3d. Do they give to France or her citizens, in the case supposed, a right to refit, or arm anew vessels, which, before their coming within any port of the

United States, were armed for war with or without commission?

4th. If they give such a right, does it extend to all manner of armed vessels, or to particular kinds only? If the latter, to what kinds does it extend? Does it include an *augmentation* of force, or does it only extend to placing the vessel in *statu quo?*

5th. Does the twenty-second article of the treaty of commerce, in the case supposed, extend to vessels armed for war on account of the government of a power at war with France, or to merchant-armed vessels belonging to the subjects or citizens of that power, (viz.) of the description of those which, by the English, are called letters of marque ships; by the French, "batiments armes en marchandize et en guerre"?

6th. Do the treaties aforesaid prohibit the United States from permitting in the case supposed, the armed vessels belonging to a power at war with France, or to the citizens or subjects of such power to come within the ports of the United States, there to remain as long as they may think fit, except in the case of their coming in with prizes made of the subjects or property of France?

7th. Do they prohibit the United States from permitting in the case supposed, vessels armed on account of the government of a power at war with France, or vessels armed for merchandise and war, with or without commission, on account of the subjects or citizens of such power, or any vessels, other

than those commonly called privateers, to sell freely whatever they may bring into the ports of the United States, and freely to purchase in and carry from the ports of the United States, goods, merchandise, and commodities, except as excepted in the last question?

8th. Do they oblige the United States to permit France in the case supposed, to sell in their ports the prizes which she or her citizens may have made, of any power at war with her, the citizens or subjects of such powers, or exempt from the payment of the usual duties on ships and merchandise, the prizes so made, in the case of their being to be sold within the ports of the United States.

9th. Do those treaties, particularly the Consular Convention, authorize France, as of right, to erect courts within the jurisdiction of the United States, for the trial and condemnation of prizes made by armed vessels in her service?

10th. Do the laws and usages of nations authorize her, as of right, to erect such courts for such purposes?

11th. Do the laws of neutrality, considered relatively to the treaties of the United States with foreign powers, or independently of those treaties, permit the United States in the case supposed, to allow to France or her citizens, the privilege of fitting out *originally* in and from the ports of the United States, vessels armed and commissioned for war, either on account of the government, or of private persons, or both?

12th. Do those laws permit the United States to extend the like privilege to a power at war with France?

13th. Do the laws of neutrality, considered as aforesaid, permit the United States, in the case supposed, to allow to France or her citizens the privilege of refitting, or arming anew, vessels which, before their coming within the United States, were armed and commissioned for war? May such privilege include an *augmentation* of the force of such vessels?

14th. Do those laws permit the United States to extend the like privilege to a power at war with France?

15th. Do those laws in the case supposed, permit merchant vessels of either of the powers at war to arm in the ports of the United States without being commissioned? May this privilege be rightfully refused?

16th. Does it make any difference in point of principle, whether a vessel be armed for war, or the force of an armed vessel be augmented in the ports of the United States with *means* procured in the United States, or with means brought into them by the party who shall so arm or augment the force of such vessels? If the first be unlawful, is the last lawful?

17th. Do the laws of neutrality, considered as aforesaid, authorize the United States to permit France, her subjects, or citizens, the sale within

their ports of prizes made of the subjects or property of a power at war with France, before they have been carried into some port of France and there condemned, refusing the privilege to her enemy?

18th. Do those laws authorize the United States to permit to France the erection of courts within their territory and jurisdiction, for the trial and condemnations of prizes refusing that privilege to a power at war with France?

19th. If any armed vessel of foreign power at war with another, with whom the United States are at peace, shall make prize of the subjects or property of its enemy within the territory or jurisdiction of the United States, have not the United States a right to cause restitution of such prize? Are they bound or not by the principles of neutrality so to do, if such prize shall be within their power?

20th. To what distance, by the laws and usages of nations, may the United States exercise the right of prohibiting the hostilities of foreign powers at war with each other, within rivers, bays, and arms of the sea, and upon the sea along the coast of the United States?

21st. Have vessels armed for war, under commission from a foreign power, a right without the consent of the United States, to engage within their jurisdiction seamen or soldiers, for the service of such vessels, being citizens of that power or of another foreign power, or citizens of the United States?

22d. What are the articles by name to be prohibited to both or either party?

23d. To what extent does the reparation permitted in the nineteenth article of the treaty with France, go?

24th. What may be done as to vessels armed in our ports before the President's proclamation? And what as to the prizes they made *before* and *after?*

25th. May we within our own ports sell ships to both parties prepared merely for merchandise? May they be pierced for guns?

26th. May we carry either or both kinds to the ports of the belligerent powers for sale?

27th. Is the principle that free bottoms make free goods, and enemies' bottoms make enemies' goods, to be considered as now an established part of the law of nations?

28th. If it is not, are nations with whom we have no treaties, authorized by the law of nations to take out of our vessels enemy passengers, not being soldiers, and their baggage?

29th. May an armed vessel belonging to any of the belligerent powers, follow *immediately* merchant vessels, enemies departing from our ports, for the purpose of making prizes of them? If not, how long ought the former to remain after the latter has sailed? And what shall be considered as the place of departure, from which the time is to be counted? And how are the facts to be ascertained?

The first twenty-one questions by Alexander Hamilton.

Twenty-two to twenty-eight, by Thomas Jefferson.

Twenty-ninth, by the President.

Heads of Consideration on the Conduct we are to Observe in the War between Spain and Great Britain, and Particularly should the Latter attempt the Conquest of Louisiana and the Floridas.

The dangers to us, should Great Britain possess herself of those countries:—

She will possess a territory equal to half ours beyond the Mississippi.

She will reduce that half of ours which is on this side of the Mississippi;—by her language, laws, religion, manners, government, commerce, capital;—by the possession of New Orleans, which draws to it the dependence of all the waters of the Mississippi;—by the markets she can offer them in the Gulf of Mexico and elsewhere.

She will take from the remaining part of our States the markets they now have for their produce;—by furnishing those markets cheaper with the same articles, tobacco, rice, indigo, bread, lumber, arms, naval stores, furs.

She will have then possessions double the size of ours, as good in soil and climate.

She will encircle us completely, by these posses-

sions on our land-board, and her fleets on our sea-board. Instead of two neighbors balancing each other, we shall have one with more than the strength of both.

Would the prevention of this be worth a war?

Consider our abilities to take part in a war. Our operations would be by land only. How many men should we need to employ?—their cost? Our resources of taxation and credit equal to this.

Weigh the evil of this new accumulation of debt against the loss of markets, and eternal expense and danger from so overgrown a neighbor.

But this is on supposition that France, as well as Spain, shall be engaged in the war; for, with Spain alone, the war would be unsuccessful, and our situation rendered worse.

No need to take a part in the war as yet. We may choose our own time. Delay gives us many chances to avoid it altogether.

In such a choice of objects, Great Britain may not single out Louisiana and the Floridas. She may fail in her attempt on them. France and Spain may recover them.

If all these chances fail, we should have to re-take them. The difference between re-taking and preventing, overbalanced by the benefits of delay. Delay enables us to be better prepared to obtain from the allies a price for our assistance.

Suppose these our ultimate views, what is to be done at this time?

1. As to Spain:—

If she be as sensible as we are, that she cannot save Louisiana and the Floridas, might she not prefer their independence to their subjection to Great Britain? Does not the proposition of the Count d'Estaing furnish us an opening to communicate our ideas on this subject to the court of France, and through them to that of Madrid? and our readiness to join them in guaranteeing the independence of those countries? This might save us from a war, if Great Britain respected our weight in a war; and if she does not, the object would place the war on popular ground with us.

2. As to England?—say to Beckwith,—

That as to a treaty of commerce, we would prefer amicable to adversary arrangements, though the latter would be infallible, and in our own power: that our ideas are, that such a treaty should be found in perfect reciprocity, and would, therefore, be its own price: that as to an alliance, we can say nothing till its object be shown, and that it is not to be inconsistent with existing engagements: that in the event of a war between Great Britain and Spain, we are disposed to be strictly neutral: that, however, we should view with extreme uneasiness any attempts of either power to seize

the possessions of the other on our frontier, as we consider our own safety interested in a due balance between our neighbors. [It might be deemed advantageous to express this latter sentiment, because, if there be any difference of opinion in their councils, whether to bend their force against North or South America, or the islands (and certainly there is room for difference), and if these opinions be nearly balanced, that balance ought to be determined by the prospect of having an enemy the more or less, according to the object they should select.]

July 12th, 1790.

Heads of Consideration on the Navigation of the Mississippi, for Mr. Carmichael, Aug. 22d, 1790.

We have a *right* to the navigation of the Mississippi—1, by Nature; 2, by Treaty.

It is *necessary* to us. More than half the territory of the United States is on the waters of that river. Two hundred thousand of our citizens are settled on them, of whom forty thousand bear arms. These have no other outlet for their tobacco, rice, corn, hemp, lumber, house timber, ship timber.

We have hitherto respected the indecision of Spain, because we wish peace;—because our western citizens have had vent at home for their productions.

A surplus of production begins now to demand

foreign markets. Whenever they shall say, "We cannot, we will not, be longer shut up," the United States will be reduced to the following dilemma: 1. To force them to acquiescence. 2. To separate from them, rather than take part in a war against Spain. 3. Or to preserve them in our Union, by joining them in the war.

The 1st is neither in our principles, nor in our power. 2d. A multitude of reasons decide against the second. It may suffice to speak out one: were we to give up half our territory rather than engage in a just war to preserve it, we should not keep the other half long. 3d. The third is the alternative we must adopt.

How are we to obtain that navigation?

(A.) By *Force.*

I. Acting *separately.* That we can effect this with certainty and promptitude, circumstances decide.

Objection. We cannot retain New Orleans, for instance, were we to take it.

Answer. A moderate force may be so secured, as to hold out till succored. Our succors can be prompt and effectual. Suppose, after taking it, we withdraw our force. If Spain retakes it by an expedition, we can recover it by a counter-expedition, and so as often as the case shall happen. Their expedition will be slow, expensive, and lead to catastrophes. Ours sudden, economical, and a check

can have no consequences. We should associate the country to our Union. The inhabitants wish this. They are not disposed to be of the Spanish government. It is idle in Spain to suppose our Western inhabitants will unite with them. They could be quiet but a short time under a government so repugnant to their feelings. Were they to come under it for present purposes, it would be with a view to throw it off soon. Should they remain, they would communicate a spirit of independence to those with whom they should be mixed.

II. Acting in *conjunction* with Great Britain, and with a view to partition. The Floridas (including New Orleans) would be assigned to us. Louisiana (or all the Western waters of the Mississippi) to them. We confess that such an alliance is not what we would wish. Because it may eventually lead us into embarrassing situations with our best friend, and put the power of two neighbors into the hands of one. L. Lansdowne has declared he gave the Floridas to Spain rather than the United States as a bone of discord with the House of Bourbon, and of re-union with Great Britain. Connolly's attempt (as well as other facts) proves they keep it in view.

(B.) By *Negotiation.*

I. What must Spain do of *necessity?* The con-

duct of Spain has proved that the occlusion of the Mississippi is system with her. If she opens it now, it will be because forced by imperious circumstances. She will consequently shut it again when these circumstances cease. Treaty will be no obstacle. Irregularities, real or pretended, in our navigators, will furnish color enough. Perpetual broils, and finally war will ensue. Prudence, and even necessity, imposes on us the law of settling the matter now, *finally*, and not by *halves*. With experience of the past and prospect of the future, it would be imbecility in us to accept the naked navigation. With that, we must have what is necessary to its use, and without which it would be useless to secure its continuance; that is, a port near the mouth to receive our vessels and protect the navigation. But even this will not secure the Floridas and Louisiana against Great Britain. If we are neutral, she will wrest those possessions from Spain. The inhabitants (French, English, Scotch, American) would prefer England to Spain.

II. What then had Spain better do of *choice?* Cede to us all territory on our side of the Mississippi: on condition that we guarantee all her possessions on the Western waters of that river, she agreeing further, to subsidize us if the guarantee brings us into the war.

Should Great Britain possess herself of the Floridas and Louisiana, her governing principles are conquest, colonization, commerce, monopoly. She will establish powerful colonies in them. These can be poured into the Gulf of Mexico for any sudden enterprise there, or invade Mexico, their next neighbor, by land. Whilst a fleet co-operates along shore, and cuts off relief. And proceed successively from colony to colony.

With respect to us, if Great Britain establishes herself on our whole land-board our lot will be bloody and eternal war, or indissoluble confederacy. Which ought we to choose? What will be the lot of the Spanish colonies in the jaws of such a confederacy? What will secure the ocean against the monopoly?

Safer for Spain that we should be her neighbor, than England. Conquest not in our principles: inconsistent with our government. Not our interest to cross the Mississippi for ages. And will never be our interest to remain united with those who do. Intermediate chances save the trouble of calculating so far forward.

Consequences of this cession, and guarantee: 1. Every subject of difference will be removed from between Spain and the United States. 2. Our interest will be strongly engaged in her retaining her American pos-

sessions. 3. Spain will be quieted as to Louisiana, and her territories west of that. 4. She may employ her whole force in defence of her islands and Southern possessions. 5. If we preserve our neutrality, it will be a very partial one to her. 6. If we are forced into the war, it will be, as we wish, on the side of the House of Bourbon. 7. Her privateers will commit formidable depredation on the British trade, and occupy much of their force. 8. By withholding supplies of provision, as well as by concurring in expeditions, the British islands will be in imminent danger. 9. Their expenses of precaution, both for their continental and insular possessions, will be so augmented as to give a hope of running their credit down. In fine, for a narrow slip of barren, detached, and expensive country, Spain secures the rest of her territory, and makes an ally where she might have a dangerous enemy.

Questions to be Considered of.

I. As to France.

Shall it be proposed to M. de Ternant to form a treaty ad referendum to this effect: The citizens of the United States and of France, their vessels, productions and manufactures, shall be received and considered each in all the dominions of the other

as if they were the native citizens, or the ships, productions, or manufactures of the other; and the productions of the sea shall be received in all the dominions of each, as if they were the productions of the country by the industry of whose citizens they have been taken or produced from the sea. Saving only as to the persons of their citizens, that they shall continue under those in capacities for office, each with the other, which the constitution of France, or of the United States, or any of them, have or shall establish against foreigners of all nations, without exception?

If not, shall a treaty be proposed to him ad referendum, in which the conditions shall be detailed on which the persons, ships, productions, and manufactures of each shall be received with the other, and the imports to which they shall be liable be formed into a tariff?

Shall the Senate be consulted in the beginning, in the middle, or only at the close of this transaction?

II. As to England.

Shall Mr. Hammond be *now* asked whether he is instructed to give us any explanations of the intentions of his court, as to the detention of our Western posts, and other infringements of our treaty with them?

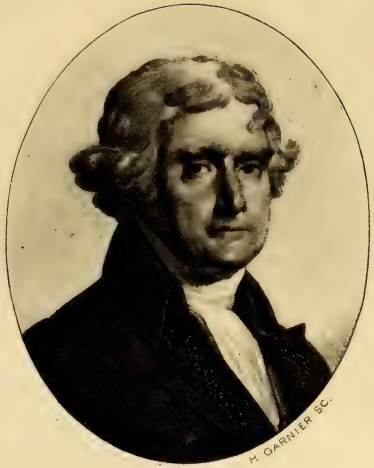
Shall he be now asked whether he is authorized to conclude, or to negotiate any commercial arrangements with us?

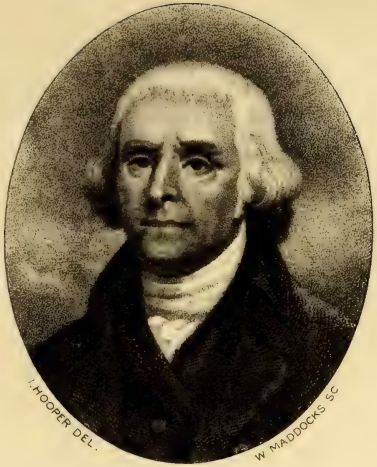
November 26, 1791.

Engraved Portraits of Jefferson

Photogravures from the Original Engravings, published in France and England.

These curious old engravings were done in the early part of the nineteenth century. Their delineations follow the lines and character of the Gilbert Stuart paintings of Jefferson. The engraving on the left of the group was done by H. Garnier for the *Galérie Universelle*. The centre engraving is from a drawing by I. Hooper and was engraved by W. Mad docks, published in London, 1830. The reproduction on the right was engraved by Millot from the design of Vernier, and first appeared in France.


H. GARNIER SC.


I. HOOPER DEL.
W. MADDOCKS SC

VERNIER DEL.
MILLOT SC.

Plan of a Bill concerning Consuls.

The matter of the bill will naturally divide as follows:

I. Foreign consuls residing within the United States under a convention.

II. Consuls of the United States residing in foreign countries under a convention.

III. Provision for future conventions, and cases where there is no convention.

Preliminary observations.—Nothing should be inserted in the bill which is fully and adequately provided for by the convention with France, because weak magistrates may infer from thence, that the parts omitted were not meant by the legislature to be enforced.

Are not the first, second and third sections of the printed bill objectionable in this view? The instructions of the Executive to their consuls will of course provide for the notification directed in the second clause.

I. For carrying into full effect the convention between his most Christian Majesty and the United States of America, entered into for the purpose of defining and establishing the functions and privileges of their respective consuls and vice-consuls, Be it enacted by the Senate and House of Representatives of the United States of America, that where, in the seventh article of the said convention, it is agreed when there shall be no consul or vice-

consul of his most Christian King to attend to the saving of the wreck of any French vessel stranded on the coast of the United States, or that the residence of the said consul or vice-consul (he not being at the place of the wreck) shall be more distant from the same place than that of the competent judge of the country, the latter shall immediately proceed to perform the office therein prescribed, the nearest (here name the officer) shall be the competent judge designated in the said article, and it shall be incumbent on him to perform the office prescribed in the said article, and according to the tenor thereof. Go on to direct who, in conjunction with the consul or vice-consul, (if there be one,) shall ascertain the abatement of duties on the damaged goods stipulated in this article.

Article 9th allows the consuls of the most Christian King to arrest and imprison deserted captains, officers, mariners, seamen, and all others being part of a ship's crew. For which purpose they are to address themselves to the courts, judges, and officers competent, who are to aid in arresting the deserter, and to confine him in the prisons of the country. Say who are the competent courts, judges, and officers to whom he is to apply, and what prisons they shall use.

This clause confines the terms of imprisonment to three months. The French consuls represent that in many ports of the United States, no opportunity of re-conveying by a French ship occurs within that

term, and they ask a longer. Suppose it be referred to the Federal district judge on application by the French consul, and on his showing good cause, to prolong the term from time to time, not exceeding three months additional in the whole.

Article 12th. It is necessary to authorize some officer to execute the sentences of the consul, *not extending to life, limb or liberty* Will it be best to require the marshal residing at the port to do it, (and make it the duty, where none resides, to appoint a deputy residing there,) or to allow the consul to constitute some person of his nation an officer for the purpose? If it should be thought indifferent to us, it might be well to pay the French the compliment of asking their minister here which he would prefer, and it would shield us from complaints of delinquencies in the executing officer.

II. Article 12th. Say by what law the consul of the United States, residing in the French dominion, shall decide the cases whereof he has jurisdiction, viz.: by the same law by which the proper Federal court would decide the same case.

Direct appeals from consular sentences to the proper Federal court, and save defects of formality in proceedings, where the matter is substantially stated.

Article 4th. Declare what validity the authentication under the consular seal, of any instrument executed in foreign countries, shall have in the courts of the United States.

[Duties not prescribed in the Convention.]

To subsist shipwrecked or wandering seamen till an opportunity offers of sending them back to some port of the United States, and to oblige every master of an American vessel homeward bound, to receive and bring them back in a certain proportion; they working, if able.

Where a ship is sold in a foreign port, oblige the master to send back the crew, or furnish wherewithal to do it, on pain of an arrest by the consul on his ship, his goods, and his person, (if the laws of the land permit it,) until he does it.

Oblige all American masters (on pain of arrest, till compliance, of their vessel, cargo, or person, or such other pain as shall be thought effectual) on their arrival in any foreign port within the jurisdiction of a consul or vice-consul of the United States, to report to him or his agent in the port, their ship's name, and owners, burden, crew, cargo, and its owners, from what port of the United States they cleared, and at what ports they have touched. Also to report to the consul the cargo they take in, and the port or ports of destination, and to take his certificate that such report has been made, on like pain.

Allow certain fees to consuls where none are already allowed, for the same services, by the laws of the countries in which they reside.

Allow salaries not exceeding three thousand dollars to one consul in each of the Barbary States.

III. Where there are consuls of the United States residing in foreign countries, with which we have no convention, but whose governments indulge our consuls in the exercise of functions, extend the provisions of this bill, or such of them as such government permits, to such consuls of the United States residing with them.

Also where any consular convention shall hereafter be removed with the same, or entered into with any other nation, with stipulations corresponding to those provided for in this bill, extend the provisions of the bill respectively to the consuls on both sides.

Matters to be arranged between the Governments of England and United States. December 12th, 1791.

The discussions which are opening between Mr. Hammond and our government, have as yet looked towards no objects but those which depend on the treaty of peace. There are, however, other matters to be arranged between the two governments, some of which do not rest on that treaty. The following is a statement of the whole of them:

1st. The Western ports.

2d. The negroes carried away.

3d. The debt of their bank to Maryland, and perhaps Rhode Island.

4th. Goods taken from the inhabitants of Boston,

while the town was in their possession, and compensation promised.

5th. Prizes taken after the dates at which hostilities were to cease.

6th. Subsistence of prisoners.

7th. The Eastern boundary.

Which of these shall be taken into the present discussion?

Which of them shall be left to arrangement through the ordinary channels of our ministers, in order to avoid embarrassing the more important points with matters of less consequence?

On the subject of commerce shall Mr. Hammond be desired to produce his powers to treat, as is usual, before conferences are held on that subject?

Memorandum of Communications made to a Committee of the Senate on the Subject of the Diplomatic Nominations to Paris, London, and the Hague. January 4th, 1792.

The Secretary of State having yesterday received a note from Mr. Strong, as chairman of a committee of the Senate, asking a conference with him on the subject of the late diplomatic nominations to Paris, London, and the Hague, he met them in the Senate chamber in the evening of the same day, and stated to them in substance what follows:

That he should on all occasions be ready to give to the Senate, or to any other branch of the govern-

ment, whatever information might properly be communicated, and might be necessary to enable them to proceed in the line of their respective offices: that on the present occasion, particularly, *as the Senate had to decide on the fitness of certain persons to act for the United States at certain courts, they would be the better enabled to decide, if they were informed of the state of our affairs at those courts, and what we had to do there:* that when the bill for providing the means of intercourse with foreign nations was before the legislature, he had met the committees of each House, and had given them the ideas of the Executive as to the courts with which we should keep diplomatic characters, and the grades we should employ: that there were two principles, which decided on the courts, viz., 1, *vicinage;* and 2, *commerce:* that the first operated in the cases of London and Madrid, and the second in the same cases, and also in those of France and Portugal; perhaps, too, of Holland: that as to all other countries, our commerce and connections were too unimportant to call for the exchange of diplomatic residents: that he thought we should adopt the lowest grades admissible, to wit, at Paris that of minister plenipotentiary, because that grade was already established there; the same at London, because of the pride of that court, and perhaps the sense of our country and its interests, would require a sort of equality of treatment to be observed towards them; and for Spain and Lisbon, that of chargé des affaires only;

the Hague uncertain: that at the moment of this bill, there was a complete vacancy of appointments between us and France and England, by the accidental translations of the ministers of France and the United States to other offices, and none as yet appointed to, or from England: that in this state of things, the legislature had provided for the grade of minister plenipotentiary, as one that was to be continued, and showed they had their eye on that grade only, and that of chargé des affaires; and that by the sum allowed, they approved of the views then communicated: that circumstances had obliged us to change the grade at Lisbon to minister resident, and this of course would force a change at Madrid and the Hague, as had been communicated at the time to the Senate; but that no change was made in the salary, that of resident being made the same as had been established for a chargé des affaires. ——He then added, the new circumstances which had supervened on those general ones in favor of these establishments, to wit, with Paris, the proposal on their part to make a liberal treaty, the present situation of their colonies which might lead to a freer commerce with them, and the arrival of a minister plenipotentiary here; with London, their sending a minister here in consequence of notorious and repeated applications from us, the powers given him to arrange the differences which had arisen about the execution of the treaty, to wit, the posts, negroes, etc., which was now in train, and perhaps

some authority to talk on the subject of arrangements of commerce, and also the circumstances which had induced that minister to produce his commission; with Madrid, the communication from the king, that he was ready to resume the negotiations on the navigation of the Mississippi, and to arrange that, and a port of deposit on the most friendly footing, if we would send a proper person to Madrid for that purpose: he explained the idea of joining one of the ministers in Europe to Mr. Carmichael for that purpose; with Lisbon, that we had to try to obtain a right of sending flour there, and mentioned Del Pinta's former favorable opinion on that subject: he stated, also, the interesting situation of Brazil, and the dispositions of the court of Portugal with respect to our warfare with the Algerines; with Holland, the negotiating loans for the transfer of the whole French debt there, an operation which must be of some years, because there is but a given sum of new money to be lent to any one nation. He then particularly recapitulated the circumstances which justified the President's having continued the grade of minister plenipotentiary; but added, that whenever the biennial bill should come on, each House would have a constitutional right to review the establishment again, and whenever it should appear that either House thought any part of it might be reduced, on giving to the executive time to avail themselves of the first convenient occasion to reduce it, the

executive could not but do it; but that it would be extremely injurious now, or at any other time, to do it so abruptly as to occasion the recall of ministers, or unfriendly sensations in any of those countries with which our commerce is interesting.

That a circumstance, recalled to the recollection of the Secretary of State this morning, induced him immediately to add to the preceding verbal communication a letter addressed to Mr. Strong in the following words:—

PHILADELPHIA, January 4th, 1792.

"SIR,—I am just now made to recollect a mistake in one of the answers I gave last night in the committee of the Senate, and which, therefore, I beg leave to correct. After calling to their minds the footing on which Mr. Morris had left matters at the court of London, and informing them of what had passed between the British minister here and myself, I was asked whether this was all that had taken place? Whether there had been no other or further engagement? I paused, you may remember, to recollect. I knew nothing more had passed on the other side the water, because Mr. Morris' powers there had been determined, and I endeavored to recollect whether anything else had passed with Mr. Hammond and myself. I answered that this was all, and added in proof, that I was sure nothing had passed between the President and Mr. Hammond, personally, and so I might safely say this

was all. It escaped me that there had been an informal agent here (Colonel Beckwith), and so informal that it was thought proper that I should never speak on business with him, and that on a particular occasion, the question having been asked whether if a British minister should be sent here, we would send one in exchange? It was said, through another channel, that one would doubtless be sent. Having only been present when it was concluded to give the answer, and not having been myself the person who communicated it, nor having otherwise had any conversation with Colonel Beckwith on the subject, it absolutely escaped my recollection at the moment the committee put the question, and I now correct the error I committed in my answer, with the same good faith with which I committed the error in the first moment. Permit me to ask the favor of you, Sir, to communicate this to the other members of the committee, and to consider this as a part of the information I have had the honor of giving the committee on the subject.

I am with the most perfect esteem, Sir, your most obedient and most humble servant.

Which letter, with the preceding statement, contains the substance of what the Secretary of State has communicated to the committee, as far as his memory enables him to recollect.

Considerations on the Subjects of Ransom, and Peace with the Algerines. April 1st, 1792.

I. The ransom of our captive citizens, being fourteen in number.

For facts on this subject refer to the Reports of December 28th, 1790, on the same ransom, and on the Mediterranean trade, and to Mr. Short's letter of August 21st, 1791, sent to the Senate.

The probable cost will be one thousand five hundred dollars for the common men, and half as much more for officers: adding presents, duties, and other expenses, it will be little short of forty thousand dollars. This must be ready money, and consequently requires a joint, but secret vote of both Houses. An agent must be sent for the purpose.

II. Peace, how best to be obtained?

1st. By war; that is to say, by constant cruises in the Mediterranean. This proved practicable by the experiment of M. de Massiac, by the Portuguese cruise. The co-operation of Portugal, Naples, Genoa, and Malta, could possibly be obtained, but the expense would be considerable. Vessels mounting one hundred guns in the whole, would probably be wanting on our part. These would cost in the outset four hundred thousand dollars, and annually afterwards one hundred and twenty-five thousand dollars. It may be doubted if this expense could be met during the present Indian war. If it could, it is the most honorable and efficacious way of having peace.

2d. By paying a gross sum for a peace of fifty years. Respectable opinions vary from three hundred thousand to one million dollars, as to the first cost. Then are to follow frequent occasional presents; and with all this, the peace will not be respected unless we appear able to enforce it; and if able to enforce it, why not rely on that solely? The same question arises here, to wit: are we able to meet this expense at present?

3. By tribute annually.

The Dutch, Danes, Swedes, and Venetians, pay about twenty-four thousand dollars a year. We might, perhaps, obtain it for something less. If for ten or fifteen thousand dollars, it might be eligible. And by a tariff for the ransom of the captives they shall take from us. If low, this might do for the present. The agent to be sent for the purpose of ransom might be authorized to treat; but should also make himself acquainted with their coast, harbor, vessels, manner of fighting, etc. On either of these plans a vote of the Senate will be requisite.

On the 1st or 2d the Representatives should be consulted, and perhaps on the 3d or 4th. It will be best to bring it on by a message from the President.

Notes of a Conversation with George Hammond.
June 3d, 1792.

Having received Mr. Hammond's letter of June 2d, informing me that my letter of May 29th should be sent to his court for their instructions, I immediately went to his house. He was not at home. I wrote him a note, inviting him to come and dine with me alone, that we might confer together in a familiar way on the subject of our letters, and consider what was to be done. He was engaged, but said he would call on me any hour the next day. I invited him to take a solo dinner the next day. He accepted and came. After the cloth was taken off, and the servants retired, I introduced the conversation by adverting to that part of his letter wherein he disavowed any intentional deception, if he had been misinformed, and had misstated any facts, assuring him that I acquitted him of every suspicion of that kind: that he had been here too short a time to be acquainted with facts himself, or to know the best sources for getting at them: that I had found great difficulty myself in the investigation of facts, and with respect to the proceedings of the courts particularly, had been indebted to the circumstance of Congress being in session, so that I could apply to the members of the different States for information respecting their States. I told him that each party having now stated the matters between the two nations in the point of view in which they

appeared to each, had hoped that we might by the way of free conversation abridge what remained: that I expected we were to take for our basis, that the treaty was to be fully executed: that, on our part, we had pronounced our demands explicitly, to have the upper posts delivered up, and the negroes paid for: that they objected infractions on our part, which we denied: that we ought to proceed to investigate the facts on which we differed: that this was the country in which they could alone be investigated; and if it should be found we had *unjustifiably* broken the treaty, the case was of a nature to admit of a proper compromise.

He said that he believed the question had never been understood by his court;—admitted they had as yet heard only one side of it, and that from a party which entertained strong feelings against us (I think he said the Refugees): that the idea would be quite new to his court, of their having committed the first infraction, and of the proceedings on the subject of their debts here being on the ground of retaliation: that this gave the case a complexion so entirely new and different from what had been contemplated, that he should not be justified in taking a single step: that he should send my letter to the ministers—that they would be able to consider facts and dates, see if they had really been the first infractors, and say what ground they would take on this new state of the case: that the matter was now for the first time carried into mutual dis-

cussion: that the close of my letter contained specific propositions, to which they would of course give specific answers adapted to the new statement of things brought forward. I replied, that as to the fact of their committing the first infraction, it could not be questioned: confessed that I believe the ministers which signed the treaty, meant to execute it: that Lord Shelburne's plan was to produce a new coalescence by a liberal conduct towards us: that the ministry which succeeded thought the treaty too liberal, and wished to curtail its effect in the course of executing it; but that if every move and counter-move was to cross the Atlantic, it would be a long game indeed. He said, no: that he thought they could take their ultimate ground at once, on having before them a full view of the facts, and he thought it fortunate that Mr. Bord, from whom he got most of his information, and Lord Dorchester, would be on the spot to bring things to rights, and he imagined he could receive his instructions before November.

I told him that I apprehended that Lord Dorchester would not feel a disposition to promote conciliation, seeing himself marked personally as an infractor; and mentioned to him the opinions entertained here of the unfriendliness of Mr. Bord's mind towards us. He justified Mr. Bord. He had received information from their other consuls, and the factors of the merchants, who assured him that they could furnish proofs of the facts they com-

municated to him, and which he had advanced on their authority, and that he should now write to them to produce their authority. He admitted that the debt to British subjects might be considered as liquidated from the Potomac northward: that South Carolina was making a laudable effort to pay hers; and that the only important object now was, that of Virginia, amounting by his list to two millions sterling: that the attention of the British merchants from North to South was turned to the decision of the case of Jones and Walker, which he hoped would take place at the present session, and let them see what they had to depend on. I told him that I was sorry to learn that but two judges had arrived in Richmond, and that unless the third arrived they would not take it up. I desired him to observe that the question in that case related only to that description of debts which had been paid into the treasury: that without pretending to know with any accuracy what proportion of the whole debt of Virginia had been paid into the treasury, I believed it was a small one; but the case of Jones and Walker would be a precedent for those debts only: that as to the great residuary mass, there were precedents enough, as it appeared they were in a full course of recovery, and that there was no obstacle, real or apparent. He did not appear to have adverted to the distinction, and showed marks of satisfaction on understanding that the question was confined to the other portion of the

debts only. He thought that the collection, there being one under a hopeful way, would of itself change the ground on which our difference stands. He observed that the treaty was of itself so vague and inconsistent in many of its parts, as to require an explanatory convention. He instanced the two articles, one of which gave them the navigation of the Mississippi, and the other bounded them by a due west line from the Lake of the Woods, which being now understood to pass beyond the most northern sources of the Mississippi, intercepted all access to that river: that to reconcile these articles, that line should be so run as to give them access to the navigable waters of the Mississippi, and that it would even be for our interest to introduce a third power between us and the Spaniards. He asked my idea of the line from the Lake of the Woods, and of now settling it. I told him I knew of no objection to the settlement of it: that my idea of it was, that if it was an impassable line, as proposed in the treaty, it should be rendered passable by as small and unimportant an alteration as might be, which I thought would be to throw in a line running due north from the northernmost source of the Mississippi, till it should strike the western line from the Lake of the Woods: that the article giving them a navigation in the Mississippi did not relate at all to this northern boundary, but to the southern one, and to the secret article respecting that: that he knew that our Provisional Treaty was made seven

weeks before that with Spain: that at the date of ours, their ministers had still a hope of retaining Florida, in which case they were to come up to the thirty-second degree, and in which case also the navigation of the Mississippi would have been important; but that they had not been able, in event, to retain the country to which the navigation was to be an appendage. (It was evident to me that they had it in view to claim a slice on our northwestern quarter, that they may get into the Mississippi; indeed, I thought it presented as a sort of make-weight with the posts to compensate the great losses their citizens had sustained by the infractions charged on us.)

I had hinted that I had not been without a hope, that an early possession of the posts might have been given us as a commencement of full execution of the treaty.

He asked me if I had conceived that he was authorized to write to the Governor of Canada to deliver us the posts? I said I had. He smiled at that idea, and assured me he had by no means any such authority. I mentioned what I had understood to have passed between him and General Dickinson, which was related to me by Mr. Hawkins, to wit: that the posts might be delivered upon the assurance of the recovery of their debts in Virginia. He said, that if any such thing as that had dropped from him, it must have been merely as a private and unauthorized opinion, for that the opinion of his

court was, that the retention of the posts was but a short compensation for the losses which their citizens had sustained, and would sustain by the delay of their admission into our courts. (Putting together this expression and his frequent declarations that the face of the controversy was now so totally changed from what it was understood to be at his court, that no instructions of his could be applicable to it, I concluded that his court had entertained no thought of ever giving up the posts, and had framed their instructions to him on a totally different hypothesis.) He asked what we understood to be the boundary between us and the Indians? I told him he would see by recurring to my report on the North Western Territory, and by tracing the line there described on Hutchins' map. What did I understand to be our right in the Indian soil? 1st. A right of preëmption of their lands; that is to say, the sole and exclusive right of purchasing from them whenever they should be willing to sell. 2d. A right of regulating the commerce between them and the whites. Did I suppose that the right of preëmption prohibited any individual of another nation from purchasing lands which the Indians should be willing to sell? Certainly. We consider it as established by the usage of different nations into a kind of *Jus gentium* for America, that a white nation settling down and declaring that such and such are their limits, makes an invasion of those limits by any other white nation an

act of war, but gives no right of soil against the native possessors. Did I think the right of regulating the commerce went to prohibit the British traders from coming into the Indian territory? That has been the idea. He said this would be hard on the Indians. I observed that whichever way the principle was established, it would work equally on both sides the line. I did not know whether we would gain or lose by mutual admission or exclusion. He said they apprehended our intention was to exterminate the Indians and take the lands. I assured him that, on the contrary, our system was to protect them, even against our own citizens: that we wish to get lines established with all of them, and have no views even of purchasing any more lands of them for a long time. We consider them as a maze chaussee, or police, for scouring the woods on our borders, and preventing their being a cover for rovers and robbers.

He wished the treaty had established an independent nation between us to keep us apart. He was under great apprehensions that it would become a matter of bidding as it were, between the British and us, who should have the greatest army there, and who should have the greatest force on the lakes: that we, holding posts on this side the water, and they on the other, soldiers looking constantly at one another, would get into broils and commit the two nations in war. I told him we might perhaps regulate by agreement the force to be kept on each side.

He asked what was our view in keeping a force there: that he apprehended if we had these posts, we should be able to hinder vessels from passing. I answered that I did not know whether the position of the present posts was such as that no vessel could pass but within their gun-shot; but that each party must have a plenty of such positions on the opposite sides, exclusively of the present posts: that our view in possessing these posts was to awe the Indians, to participate in the fur trade, to protect that trade. Protect it against whom? Against the Indians. He asked what I imagined to be their motives for keeping the posts? To influence the Indians, to keep off a rival nation and the appearance of having a rival nation, to monopolize the fur trade. He said he was not afraid of rivals if the traders would have fair play. He thought it would be better that neither party should have any military posts, but only trading houses. I told him that the idea of having no military posts on either side was new to me: that it had never been mentioned among the members of the executive: that therefore I could only speak for myself and say that, *prima facie*, it accorded well with two favorite ideas of mine, of leaving commerce free, and never keeping an unnecessary soldier; but when he spoke of having no military posts on either side, there might be difficulty in fixing the distance of the nearest posts. He said that though his opinion on this subject was only a private one, and he under-

stood mine to be so also, yet he was much pleased that we two seemed to think nearly alike, as it might lead to something. He said that their principal object in the fur trade was the consumption of the goods they gave in exchange for the furs. I answered that whether the trade was carried on by English or Americans, it would be with English goods, and the route would be, not through Canada, but by the shorter channels of the Hudson or Potomac.

It is not pretended that the above is in the exact order, or the exact words of the conversation. This was often desultory, and I can only answer for having given generally the expression, and always the substance of what passed.

Extempore Thoughts and Doubts, on very Superficially Running over the Bankrupt Bill.

The British statute excepts expressly farmers, graziers, drovers, as such, though they buy to sell again. This bill has no exception.

The British adjudications exempt the buyers and sellers of bank-stock, government papers, etc. What feelings guided the draughtsman in adhering to his original in this case, and departing from it in the other?

The British courts adjudge that any artists may be bankrupts if the materials of their art are bought, such as shoemakers, blacksmiths, carpenters, etc.

Will the body of our artists desire to be brought within the vortex of this law? It will follow as a consequence that the master who has an artist of this kind in his family, whether hired, indentured, or a slave, to serve the purposes of his farm or family, but who may at leisure times do something for his neighbors also, may be a bankrupt.

The British law makes a departure from the realm, *i. e.* out of the mediation of British law, an act of bankruptcy. This bill makes a departure from the *State wherein he resides*, (though into a neighboring one where the laws of the United States run equally,) an act of bankruptcy.

The commissioners may open houses, break open doors, chests, etc. Are we really ripe for this? Is that spirit of independence and sovereignty which a man feels in his own house, and which Englishmen felt when they denominated their houses their castles, to be absolutely subdued? and is it expedient that it should be subdued?

The lands of the bankrupt are to be taken, sold, etc. Is not this a predominant question between the general and State legislatures?

Is commerce so much the basis of the existence of the United States as to call for a bankrupt law? On the contrary, are we not almost merely agricultural? Should not all laws be made with a view essentially to the poor husbandmen? When laws are wanting for particular descriptions of other callings, should not the husbandmen be carefully

excused from their operation, and preserved under that of the general system only; which general system is fitted to the condition of husbandmen?

Heads of Conversation with Mr. Hammond.

That I communicated to the President his information of the consent of the Western Indians to hold conferences of peace with us, in the presence of Governor Simcoe:—took care to apprize him of the informality of the conversation;—that it was accidental;—private;—the present to be considered equally so:—unnecessary to note to him that nothing like a mediation was suggested. 1st. Because so informal a conversation could not include so formal a thing as a mediation. 2d. Because, an established principle of public law among the white nations of America, that while the Indians included within their limits retain all other national rights, no other white nations can become their patrons, protectors, or mediators, nor in any shape intermeddle between them and those within whose limits they are. That Great Britain would not propose an example which would authorize us to cross our boundary, and take under our protection the Indians within her limits. 3d. Because, should the treaty prove ineffectual, it would singularly commit the friendship of the two nations.

That the idea of Governor Simcoe's attendance was presented only as a thing desired by the Indians:

that the consequences of this had been considered. It is not necessary in order to effect a peace. Our views so just, so moderate, that we have no fear of effecting peace if left to ourselves. If it cannot be effected, it is much better that nobody on the part of England should have been present;—for however our government is persuaded of the sincerity of your assurances that you have not excited the Indians, yet our citizens in general are not so. It will be impossible to persuade them the negotiations were not defeated by British agents: that, therefore, we do not pretend to make the exclusion of Governor Simcoe a *sine qua non*, provided he be there as a spectator, not as a *party*, yet we should consider his declining to attend, either by himself or any other person, as an instance of their friendship, and as an evidence of it particularly calculated to make due impression on the minds of our citizens. That the place fixed on by the Indians is extremely inconvenient to us, because of the distance and difficulty of transporting provisions there. Three hundred thousand rations will probably be requisite, if three thousand Indians attend. That if we had time, we would have proposed some other place, for example the Maumee towns; but there not being time, we shall do our best to make provision. 1st. We shall collect and carry as much as possible through the Miami channel. 2d. We shall hope for their permission to have purchases made in Upper Canada, and brought along the lake.

Instructions to Andrew Michaud for Exploring the Western Boundary. January, 1793.

Sundry persons having subscribed certain sums of money for your encouragement to explore the country along the Missouri, and thence westwardly to the Pacific Ocean, having submitted the plan of the enterprise to the directors of the American Philosophical Society, and the society having accepted of the trust, they proceed to give you the following instructions:

They observe to you that the chief objects of your journey are to find the shortest and most convenient route of communication between the United States and the Pacific Ocean, within the temperate latitudes, and to learn such particulars as can be obtained of the country through which it passes, its productions, inhabitants, and other interesting circumstances. As a channel of communication between these States and the Pacific Ocean, the Missouri, so far as it extends, presents itself under circumstances of unquestioned preference. It has, therefore, been declared as a fundamental object of the subscription (not to be dispensed with) that this river shall be considered and explored as a part of the communication sought for. To the neighborhood of this river, therefore, that is to say, to the town of Kaskaskia, the society will procure you a conveyance in company with the Indians of that town now in Philadelphia.

From thence you will cross the Mississippi and pass by land to the nearest part of the Missouri above the Spanish settlements, that you may avoid the risk of being stopped.

You will then pursue such of the largest streams of that river as shall lead by the shortest way and the lowest latitudes to the Pacific Ocean. When, pursuing those streams, you shall find yourself at the point from whence you may get by the shortest and most convenient route to some principal river of the Pacific Ocean, you are to proceed to such river, and pursue its course to the ocean. It would seem by the latest maps as if a river called Oregon, interlocked with the Missouri for a considerable distance, and entered the Pacific Ocean not far southward of Nootka Sound. But the society are aware that these maps are not to be trusted so far as to be the ground of any positive instruction to you. They therefore only mention the fact, leaving to yourself to verify it, or to follow such other as you shall find to be the real truth.

You will in the course of your journey, take notice of the country you pass through, its general face, soil, rivers, mountains, its productions—animal, vegetable, and mineral—so far as they may be new to us, and may also be useful or very curious; the latitudes of places or material for calculating it by such simple methods as your situation may admit you to practice, the names, numbers, and dwellings of the inhabitants, and such particulars as you can

learn of their history, connection with each other, languages, manners, state of society, and of the arts and commerce among them.

Under the head of animal history, that of the mammoth is particularly recommended to your inquiries, as it is also to learn whether the Lama or Paca of Peru, is found in those parts of this continent, or how far north they come.

The method of preserving your observations is left to yourself, according to the means which shall be in your power. It is only suggested that the noting them on the skin might be best for such as may be the most important, and that further details may be committed to the bark of the paper-birch, a substance which may not excite suspicions among the Indians, and little liable to injury from wet or other common accidents. By the means of the same substance you may perhaps find opportunities, from time to time, of communicating to the society information of your progress, and of the particulars you shall have noted.

When you shall have reached the Pacific Ocean, if you find yourself within convenient distance of any settlement of Europeans, go to them, commit to writing a narrative of your journey and observations, and take the best measure you can for conveying it thence to the society by sea.

Return by the same, or some other route, as you shall think likely to fulfil with most satisfaction and certainty the objects of your mission, furnish-

ing yourself with the best proofs the nature of the case will admit of the reality and extent of your progress. Whether this shall be by certificates from Europeans settled on the western coast of America, or by what other means, must depend on circumstances. Ignorance of the country through which you are to pass, and confidence in your judgment, zeal, and discretion, prevent the society from attempting more minute instructions, and even from exacting rigorous observance of those already given, except, indeed, what is the first of all objects, that you seek for and pursue that route which shall form the shortest and most convenient communication between the higher parts of the Missouri and the Pacific Ocean.

It is strongly recommended to you to expose yourself in no case to unnecessary dangers, whether such as might affect your health or your personal safety, and to consider this not merely as your personal concern, but as the injunction of science in general, which expects its enlargement from your inquiries, and of the inhabitants of the United States in particular, to whom your report will open new fields and subjects of commerce, intercourse, and observation.

If you reach the Pacific Ocean and return, the society assign to you all the benefits of the subscription before mentioned. If you reach the waters only which run into that ocean, the society reserve to themselves the apportionment of the reward

according to the conditions expressed in the subscription. If you do not reach even those waters they refuse all reward, and reclaim the money you may have received here under the subscription.

They will expect you to return to the city of Philadelphia to give in to them a full narrative of your journey and observations, and to answer the inquiries they shall make of you, still reserving to yourself the benefit arising from the publication of such parts of them as are in the said subscription reserved to you.

Memorandum relative to Commissioners for laying off the Federal City. March 11th, 1793.

Question 1st.—What sacrifice may be made to retain Mr. Johnson in the office of commissioner for the federal territory?

Answer.—For such an object, it is worth while to give up the plan of an allowance per diem; to give, instead of that, a sum in gross, and to extend that sum to five hundred dollars per annum, and expenses; the latter to be rendered in account.

If Mr. Johnson persists in resigning, as it is evident Dr. Stewart will not continue even for the above allowance, and Mr. Carroll does not appear to make any conditions, the President will be free as to Mr. Carroll and two new associates, to adhere to the allowance per diem already proposed, or to substitute a sum in gross.

Question 2d.—May new commissioners be chosen in the town?

Answer.—It is strongly desirable that the commissioners should not be of the town, nor interested in it; and this objection is thought a counterpoise for a sensible difference in talents; but if persons of adequate talents and qualifications cannot be found in the country, it will be better to take them from the town, than to appoint men of inadequate talents from the country.

Question 3d.—How compensate them?

Answer.—If they come from the country, the per diem allowance is thought best; if from the town, a sum in gross will be best, and this might be as far as three hundred dollars a year, and no allowance for expenses. If partly from the town, and partly from the country, then three hundred dollars a year to the former, and the same, with allowance of expenses, to the latter.

Mr. Madison, Mr. Randolph and Thomas Jefferson having consulted together on the preceding questions, with some shades of difference of opinion in the beginning, concurred ultimately and unanimously in the above answers.

Note given to the President relative to Genet.

Mr. Genet's declaration to the President at his reception, that France did not wish to engage the United States in the present war by the clause of

guarantee, but left her free to pursue her own happiness in peace, has been repeated to myself in conversation, and to others, and even in a public answer, so as to place it beyond question.

Some days after the reception of Mr. Genet (which was May 17th), I went to his house on business. The Attorney General went with me to pay his first visit. After he withdrew, Mr. Genet told me Mr. Fornant had delivered him my letter of May 15th on the four memorials of Mr. Hammond. He said something first of the case of the Grange, and then of the vessels armed at Charleston. He said that on his arrival there, he was surrounded suddenly by Frenchmen full of zeal for their country, pressing for authority to arm with their own means for its assistance: that they would fit out their own vessels, provide everything, man them, and only ask a commission from him: that he asked the opinion of Governor Moultrie on the subject, who said he knew no law to the contrary, but begged that whatever was to be done, might be done without consulting him: that he must know nothing of it, etc.: that hereupon he gave commission to the vessels: that he was of opinion that he was justified, not only by the opinions at Charleston, but by our treaties. I told him the President had taken full advice on the subject, had very maturely considered it, and had come to the decision expressed in my letter. He said he hoped the President had not so absolutely decided it, but that he would hear what was to be

said against it. I told him I had no doubt but that the President, out of respect to him and his country, would receive whatever he should have to urge on the subject, and would reconsider it with candor. He said he would make it his business to write me a letter on the subject: that he thought the arming the privateers was justifiable; but that if the President should finally decide otherwise (though he could not think it would be right), yet he must submit; for that assuredly his instructions were to do whatever would be agreeable to us. He showed, indeed, by his countenance, his manner, and words, that such an acquiescence would be with reluctance; but I was and am persuaded he then meant it.

Mr. Genet called at my office on Tuesday sennight, or fortnight, say (July 16th or 9th), but I think it was Tuesday sennight; and knew it was on a Tuesday, because he went from thence to the President's. He was summing up to me the strength of the French naval force now arrived. I took that occasion to observe to him, that having such great means in his hands, I thought he ought not to hesitate in abandoning to the orders of the government the little pickeroons which had been armed here unauthorized by them, and which occasioned so much embarrassment and uneasiness: that certainly their good dispositions must be worth more than the trifling services these little vessels could render. He immediately declared, that having

such a force in his hands, he had abandoned every idea of further armament in our ports: that these small objects were now beneath his notice, and he had accordingly written to the consuls to stop everything further of that kind; but that as to those which had been fitted out before, their honor would not permit them to give them up, but he wished an oblivion of everything which had passed, and that in future the measure so disagreeable to the government should not be pursued, though he thought it clearly justifiable by the treaty. I told him the government was of a different opinion: that both parties indeed had equal right to construe the treaty: that, consequently, he had done his duty in remonstrating against our construction, but that since the government remained finally persuaded of the solidity of its own construction, and had a right to act accordingly within their own limits, it was now his duty, as a diplomatic man, to state the matter to his government, to ask and await their orders, and in the meantime to acquiesce, and by no means to proceed in opposition within our limits.

It was at the same time he informed me that he had sent out the Little Democrat, July 26th, 1793, to obtain intelligence of the state of the coast, and whether it was safe for the fleet to proceed round from Norfolk to New York.

Rules for the Regulation of our Conduct towards the Belligerent Powers recommended to the President for his Adoption.

1st. The original arming and equipping of vessels in the ports of the United States by any of the belligerent powers for military service, offensive or defensive, is deemed unlawful.

2d. Equipments of merchant vessels by either of the belligerent parties in the ports of the United States, purely for the accommodation of them as such, is deemed lawful.

3d. Equipments in the ports of the United States of vessels of war in the immediate service of the government of any of the belligerent parties, which, if done to other vessels, would be of a doubtful nature, as being applicable either to commerce or war, are deemed lawful, except those which shall have made prize of the subjects, people or property of France, coming with their prizes into the ports of the United States, pursuant to the seventeenth article of our treaty of amity and commerce with France.

4th. Equipments in the ports of the United States by any of the parties at war with France, of vessels fitted for merchandise and war, whether with or without commissions, which are doubtful in their nature, as being applicable either to commerce or war, are deemed lawful, except those which shall have made prize, etc.

5th. Equipments of any of the vessels of France

in the ports of the United States, which are doubtful in their nature, as being applicable to commerce or war, are deemed lawful.

6th. Equipments of every kind in the ports of the United States of privateers of the powers at war with France, are deemed unlawful.

7th. Equipments of vessels in the ports of the United States which are of a nature solely adapted to war, are deemed unlawful; except those stranded or wrecked, as mentioned in the eighteenth article of our treaty with France, the sixteenth of our treaty with the United Netherlands, the ninth of our treaty with Prussia, and except those mentioned in the nineteenth article of our treaty with France, the seventeenth of our treaty with the United Netherlands, the eighteenth of our treaty with Prussia.

8th. Vessels of either of the parties not armed, or armed previous to their coming into the ports of the United States, which shall not have infringed any of the foregoing rules, may lawfully engage or enlist therein their own subjects, or aliens not being inhabitants of the United States, except privateers of the powers at war with France, and except those vessels which shall have made prize, etc.

August 3, 1793. The foregoing rules having been considered by us at several meetings, and being now unanimously approved, they are submitted to the President of the United States.

TH: JEFFERSON. ALEXANDER HAMILTON.
H. KNOX. EDW: RANDOLPH.

Opinion relative to the Propriety of Convening the Legislature at an earlier period than that fixed by law. August 4th, 1793.

The President having been pleased to propose for consideration, the question whether it be proper or not to convene the legislature at an earlier period than that at which it is to meet by law, and at what time? I am of opinion it will be proper.

1st. Because the protection of our southern frontiers seems to render indispensable a war with the Creeks, which cannot be declared nor provided for but by the legislature, nor prudently undertaken by the Executive on account of the consequences it may involve with respect to Spain.

2d. Because several legislative provisions are wanting to enable the government to steer steadily through the difficulties daily produced by the war of Europe, and to prevent our being involved in it by the incidents and perplexities to which it is constantly giving birth.

3d. Because, should we be involved in it, which is every day possible, however anxiously we endeavor to avoid it, the legislature, meeting a month earlier, will place them a month forwarder in their provisions for that state of things.

I think the first Monday in November would be a proper time for convening them, because, while it would gain a month in making provisions to prevent or prepare for war, it leaves such a space of time for

their assembling as will avoid exciting alarm either at home or abroad.

Communication Relative to our French Relations. August 22d, 1793.

Thomas Jefferson has the honor to enclose to the President the letter of the National Assembly to him, of December 22d, 1792. Its most distinct object seems to have been to thank the United States for their measures to St. Domingo. It glances blindly, however, at commercial arrangements, and on the 19th of February, the same Assembly passed the decree putting our commerce in their dominions on the footing of natives, and directing their executive council to treat with us on the subject. On this the following questions arise:

1st. Would the President choose to answer the letter, acknowledging its receipt, thanking them in turn for the favors to our commerce, and promising to consult the constitutional powers (the Senate) on the subject of the treaty proposed?

2d. Would he rather choose to make no reply to the letter, but that Mr. Morris be instructed to negotiate a renewal of Mr. Genet's powers to treat, to his successor?

3d. Or would he choose that nothing be said on the subject to anybody?

If the President would in his judgment be for a

treaty on the principles of the decree, or any modification of them, the 1st or 2d measure will be well to be adopted.

If he is against a treaty on those principles or any modification of them, the 3d measure seems to be the proper one.

Explanation of the Origin of the Principle that "Free bottoms make free goods." December 20th, 1793.

A doubt being entertained whether the use of the word *modern* as applied to the *law of nations* in the President's proclamation, be not inconsistent with ground afterwards taken in a letter to Genet, I will state the matter while it is fresh in my mind,—beginning it from an early period.

It cannot be denied that according to the general law of nations, the goods of an enemy are lawful prize in the bottom of a friend, and the goods of a friend privileged in the bottom of an enemy; or in other words, that *the goods follow the owner.* The inconvenience of this principle in subjecting neutral vessels to vexatious searches at sea, has for more than a century rendered it usual for nations to substitute a *conventional* principle *that the goods shall follow the bottom*, instead of the *natural* one before mentioned. France has done it in all her treaties; so I believe had Spain, before the American Revolution. Britain had not done it. When that war had involved those powers, Russia, foreseeing

that her commerce would be much harassed by the British ships, engaged Denmark, Sweden, and Portugal to arm, and to declare that the conventional principle should be observed by the powers at war, towards neutrals, and that they would make common cause against the party who should violate it; declaring expressly, at the same time, that that convention should be in force only during the war then existing. Holland acceded to the convention, and Britain instantly attacked her. But the other neutral powers did not think proper to comply with their stipulation of making common cause. France declared at once that she would conform to the conventional principle. This in fact imposed no new obligation on her, for she was already bound by her treaties with all those powers to observe that principle. Spain made the same declaration. Congress gave similar orders to their vessels; but Congress afterwards gave instructions to their ministers abroad not to engage them in any future combination of powers for the general enforcement of the conventional principle that goods should follow the bottom, as this might at some time or other engage them in a war for other nations; but to introduce the principle separately with every nation by the treaties they were authorized to make with each. It had been already done with France and Holland, and it was afterwards done with Prussia, and made a regular part in every treaty they proposed to others. After the war, Great Britain

established it between herself and France. When she engaged in the present war with France, it was thought extremely desirable for us to get this principle admitted by her, and hoping that as she had acceded to it in one instance, she might be induced to admit it as a principle now settled by the common consent of nations, (for every nation, belligerent or neutral, had stipulated it on one or more occasions,) that she might be induced to consider it as now become a *conventional* law of nations, I proposed to insert the word *modern* in the proclamation, to open upon her the idea that we should require the acquiescence in that principle as the condition of our remaining in peace. It was thought desirable by the other gentlemen; but having no expectation of any effect from it, they acquiesced in the insertion of the word, merely to gratify me. I had another view, which I did not mention to them, because I apprehended it would occasion the loss of the word.

By the ancient law of nations, *e. g.* in the time of the Romans, the furnishing a limited aid of troops, though stipulated, was deemed a cause of war. In latter times, it is admitted not to be a cause of war. This is one of the improvements in the law of nations. I thought we might conclude, by parity of reasoning, that the guaranteeing a limited portion of territory, in a stipulated case, might not, by the modern law of nations, be a cause of war. I therefore meant by the introduction of that word, to lay the foundation of the execution of our guar-

antee, by way of negotiation with England. The word was, therefore, introduced, and a strong letter was written to Mr. Pinckney to observe to Great Britain that we were bound by our treaties with the other belligerent powers to observe certain principles during this war: that we were willing to observe the same principles towards her; and indeed, that we considered it as essential to proceed by the same rule to all, and to propose to her to select those articles concerning our conduct in a case of our neutrality from any one of our treaties which she pleased; or that we would take those from her own treaty with France, and make a temporary convention of them for the term of the present war; and he was instructed to press this strongly. I told Genet that we had done this; but instead of giving us time to work our principles into effect by negotiation, he immediately took occasion in a letter, to threaten that if we did not resent the conduct of the British in taking French property in American bottoms, and protect their goods by *effectual measures* (meaning by arms), he would give direction that the principle of our treaty of goods following the bottom, should be disregarded. He was, at the same time, in the habit of keeping our goods taken in British bottoms; so that they were to take the gaining alternative of each principle, and give us the losing one. It became necessary to oppose this in the answer to his letter, and it was impossible to do it soundly,

but by placing it on its true ground, to wit: that the law of nations established as a general rule that *goods should follow the owner*, and that the making them *follow the vessel* was an exception depending on special conventions only in those cases where the convention had been made: that the exception had been established by us in our treaties with France, Holland and Prussia, and that we should endeavor to extend it to England, Spain, and other powers; but that till it was done, we had no right to make war for the enforcement of it. He thus obliged us to abandon in the first moment the ground we were endeavoring to gain, that is to say, his ground against England and Spain, and to take the very ground of England and Spain against him. This was my private reason for proposing the term *modern* in the proclamation; that it might reserve us a ground to obtain the very things he wanted. But the world, who knew nothing of these private reasons, were to understand by the expression the *modern law of nations*, that law with all the improvements and mollifications of it which an advancement of civilization in *modern* times had introduced. It does not mean strictly anything which is not a part of the *law of nations* in *modern* times, and therefore could not be inconsistent with the ground taken in the letter to Genet, which was that of the *law of nations*, and by no means could be equivalent to a declaration by the President of the specific principle, that *goods should follow the bottom*.

An Account of the Capitol in Virginia.

The Capitol in the city of Richmond, in Virginia, is the model of the Temples of Erectheus at Athens, of Balbec, and of the Maison quarrée of Nismes. All of which are nearly of the same form and proportions, and are considered as the most perfect examples of cubic architecture, as the Pantheon of Rome is of the spherical. Their dimensions not being sufficient for the purposes of the capitol, they were enlarged, but their proportions rigorously observed. The capitol is of brick, one hundred thirty-four feet long, seventy feet wide, and forty-five feet high, exclusive of the basement. Twenty-eight feet of its length is occupied by a portico of the whole breadth of the house, showing six columns in front, and two intercolonnations in flank. It is of a single order, which is Ionic; its columns four feet two inches diameter, and their entablature running round the whole building. The portico is crowned by a pediment, the height of which is two ninths of its span.

Within the body of the building, which is one hundred and six feet long, are two tiers of rooms twenty-one feet high each. In the lower, at one end, is the room in which the Supreme Court sits, thirty feet by sixty-four feet with a vestibule fourteen feet by twenty-two feet, and an office for their clerk, fourteen feet by thirteen feet. In the other end is the room for the House of Delegates, thirty

feet by sixty-four feet, with a lobby fourteen feet by thirty-six feet. In the middle is a room thirty-six feet square, of the whole height of the building, and receiving its light from above. In the centre of this room is a marble statue of General Washington, made at Paris, by Houdon, who came over to Virginia for the express purpose of taking his form. The statue is made accurately of the size of life. A peristile of columns in the same room, six feet from the wall, and twenty-two and a half feet high with their entablature, support a corridor above, serving as a communication for all the upper apartments, the stairs landing in it. In the upper tier is a Senate chamber, thirty feet square, an office for their clerk, five rooms for committees and juries, an office for the clerk of the House of Delegates, a chamber for the Governor and Council, and a room for their clerk. In the basement of the building are the Land Office, Auditor's office, and Treasury.

The drawings of the façade and other elevations, were done by Clarissault, one of the most correct architects of France, and author of the Antiquities of Nismes, among which was the Maison quarrée. The model in stucco was made under his direction, by an artist who had been employed many years in Greece, by the Count de Choiseul, ambassador of France at Constantinople, in making models of the most celebrated remains of ancient architecture in that country.

To the Speaker and House of Delegates of the Commonwealth of Virginia, being a Protest against interference of Judiciary between Representative and Constituent.—1797.

The petition of the subscribers, inhabitants of the counties of Amherst, Albemarle, Fluvanna, and Goochland, sheweth:

That by the Constitution of this State, established from its earliest settlement, the people thereof have professed the right of being governed by laws to which they have consented by representatives chosen by themselves immediately: that in order to give to the will of the people the influence it ought to have, and the information which may enable them to exercise it usefully, it was a part of the common law, adopted as the law of this land, that their representatives, in the discharge of their functions, should be free from the cognizance or coercion of the co-ordinate branches, Judiciary and Executive; and that their communications with their constituents should of right, as of duty also, be free, full, and unawed by any: that so necessary has this intercourse been deemed in the country from which they derive principally their descent and laws, that the correspondence between the representative and constituent is privileged there to pass free of expense through the channel of the public post, and that the proceedings of the legislature have been known to be arrested and suspended at times

until the representatives could go home to their several counties and confer with their constituents.

That when, at the epoch of Independence, the Constitution was formed under which we are now governed as a commonwealth, so high were the principles of representative government esteemed, that the legislature was made to consist of two branches, both of them chosen immediately by the citizens; and that general system of laws was continued which protected the relations between the representative and constituent, and guarded the functions of the former from the control of the judiciary and executive branches.

That when circumstances required that the ancient confederation of this with the sister States, for the government of their common concerns, should be improved into a more regular and effective form of general government, the same representative principle was preserved in the new legislature, one branch of which was to be chosen directly by the citizens of each State, and the laws and principles remained unaltered which privilege the representative functions, whether to be exercised in the State or General Government, against the cognizance and notice of the co-ordinate branches, executive and judiciary; and for its safe and convenient exercise, the inter-communication of the representative and constituent has been sanctioned and provided for through the channel of the public post, at the public expense.

That at the general partition of this commonwealth into districts, each of which was to choose a representative to Congress, the counties of Amherst, Albemarle, Fluvanna, and Goochland, were laid off into one district; that at the elections held for the said district, in the month of April, in the years 1795 and 1797, the electors thereof made choice of Samuel Jordan Cabell, of the county of Amherst, to be their representative in the legislature of the General Government; that the said Samuel Jordan Cabell accepted the office, repaired at the due periods to the legislature of the General Government, exercised his functions there as became a worthy member, and as a good and dutiful representative was in the habit of corresponding with many of his constituents, and communicating to us, by way of letter, information of the public proceedings, of asking and receiving our opinions and advice and of contributing, as far as might be with right, to preserve the transactions of the General Government in unison with the principles and sentiments of his constituents: that while the said Samuel J. Cabell was in the exercise of his functions as a representative from this district, and was in the course of that correspondence which his duty and the will of his constituents imposed on him, the right of thus communicating with them, deemed sacred under all the forms in which our government has hitherto existed, never questioned or infringed even by royal judges or governors, was openly and

directly violated at a Circuit Court of the General Government, held at the city of Richmond, for the district of Virginia, in the month of May of this present year, 1790: that at the said court, A, B, etc., some of whom were foreigners, having been called upon to serve in the office of grand jurors before the said court, were sworn to the duties of said office in the usual forms of the law, the known limits of which duties are to make presentment of those acts of individuals which the laws have declared to be crimes or misdemeanors: that departing out of the legal limits of their said office, and availing themselves of the sanction of its cover, wickedly and contrary to their fidelity to destroy the rights of the people of this commonwealth, and the fundamental principles of representative government, they made a presentment of the act of the said Samuel J. Cabell, in writing letters to his constituents in the following words, to wit: "We, of the grand jury of the United States, for the district of Virginia, present as a real evil, the circular letters of several members of the late Congress, and particularly letters with the signature of Samuel J. Cabell, endeavoring, at a time of real public danger, to disseminate unfounded calumnies against the happy government of the United States, and thereby to separate the people therefrom; and to increase or produce a foreign influence, ruinous to the peace, happiness, and independence of these United States."

That the grand jury is a part of the judiciary,

not permanent indeed, but in office, *pro hac vice* and responsible as other judges are for their actings and doings while in office: that for the judiciary to interpose in the legislative department between the constituent and his representative, to control them in the exercise of their functions or duties towards each other, to overawe the free correspondence which exists and ought to exist between them, to dictate what communications may pass between them, and to punish all others, to put the representative into jeopardy of criminal prosecution, of vexation, expense, and punishment before the judiciary, if his communications, public or private, do not exactly square with their ideas of fact or right, or with their designs of wrong, is to put the legislative department under the feet of the judiciary, is to leave us, indeed, the shadow, but to take away the substance of representation, which requires essentially that the representative be as free as his constituents would be, that the same interchange of sentiment be lawful between him and them as would be lawful among themselves were they in the personal transaction of their own business; is to do away the influence of the people over the proceedings of their representatives by excluding from their knowledge, by the terror of punishment all but such information or misinformation as may suit their own views; and is the more vitally dangerous when it is considered that grand jurors are selected by officers nominated and holding their

places at the will of the executive: that they are exposed to influence from the judges who are nominated immediately by the Executive, and who, although holding permanently their commissions as judges, yet from the career of additional office and emolument *actually* opened to them of late, whether *constitutionally* or not, are under all those motives which interest or ambition inspire, of courting the favor of that branch from which appointments flow: that grand juries are frequently composed in part of bystanders, often foreigners, of foreign attachments and interests, and little knowledge of the laws they are most improperly called to decide on; and finally, is to give to the judiciary, and through them to the Executive, a complete preponderance over the legislature, rendering ineffectual that wise and cautious distribution of powers made by the Constitution between the three branches, and subordinating to the other two that branch which most immediately depends on the people themselves, and is responsible to them at short periods.

That independently of these considerations of a constitutional nature, the right of free correspondence between citizen and citizen on their joint interests, public or private, and under whatsoever laws these interests arise, is a natural right of every individual citizen, not the gift of municipal law, but among the objects for the protection of which municipal laws are instituted: that so far as the attempt to take away this natural right of free cor-

respondence is an offence against the privileges of the legislative House, of which the said Samuel J. Cabell is a member, it is left to that House, entrusted with the preservation of its own privileges, to vindicate its immunities against the encroachments and usurpations of a co-ordinate branch; but so far as it is an infraction of our individual rights as citizens by other citizens of our own State, the judicature of this commonwealth is solely competent to its cognizance, no other possessing any powers of redress: that the commonwealth retains all its judiciary cognizances not expressly alienated in the grant of powers to the United States as expressed in their Constitution: that that Constitution alienates only those enumerated in itself, or arising under laws or treaties of the United States made in conformity with its own tenor; but the right of free correspondence is not claimed under that Constitution, nor the laws or treaties derived from it, but as a natural right, placed originally under the protection of our municipal laws, and retained under the cognizance of our own courts.

Your petitioners further observe that though this crime may not be specifically defined and denominated by any particular statute, yet it is a crime, and of the highest and most alarming nature; that the Constitution of this commonwealth, aware it would sometimes happen that deep and dangerous crimes, pronounced as such in the heart of every friend to his country and its free Constitution,

would often escape the definitions of the law, and yet ought not to escape its punishments, fearing at the same time to entrust such undescribed offences to the discretion of ordinary juries and judges, has reserved the same to the cognizance of the body of the commonwealth acting by their representatives in general assembly, for which purpose provision is made by the Constitution in the following words, to wit: "The Governor, when he is out of office, and *others* offending against the State, either by mal-administration, corruption, *or other means* by which the safety of the State may be endangered, shall be impeachable by the House of Delegates. Such impeachment to be prosecuted by the Attorney General or such other person or persons as the House may appoint in the general court, according to the laws of the land. If found guilty, he or they shall be either forever disabled to hold any office under government, or removed from such offices *pro tempore*, or subjected to such pains or penalties as the law shall direct."

Considering then the House of Delegates as the standing inquest of the whole commonwealth so established by the Constitution, that its jurisdiction as such extends over all persons within its limits, and that no pale, no sanctuary has been erected against their jurisdiction to protect offenders who have committed crimes against the laws of the commonwealth and rights of its citizens: that the crime committed by the said grand jurors is of

that high and extraordinary character for which the Constitution has provided extraordinary procedure: that though the violation of right falls in the first instance on us, your petitioners and the representative chosen immediately by us, yet in principle and consequence it extends to all our fellow-citizens, whose safety is passed away whenever their representatives are placed, in the exercise of their functions, under the direction and coercion of either of the other departments of government, and one of their most interesting rights is lost when that of a free communication of sentiment by speaking or writing is suppressed: We, your petitioners, therefore pray that you will be pleased to take your constitutional cognizance of the premises, and institute such proceedings for impeaching and punishing the said A, B, etc., as may secure to the citizens of this commonwealth their constitutional right: that their representatives shall in the exercise of their functions be free and independent of the other departments of government, may guard that full intercourse between them and their constituents which the nature of their relations and the laws of the land establish, may save to them the natural right of communicating their sentiments to one another by speaking and writing, and may serve as a terror to others attempting hereafter to subvert those rights and the fundamental principles of our Constitution, to exclude the people from all direct influence over the government they have

established by reducing that branch of the legislature which they choose directly, to a subordination under those over whom they have but an indirect, distant, and feeble control.

And your petitioners further submit to the wisdom of the two Houses of Assembly whether the safety of the citizens of this commonwealth in their persons, their property, their laws, and government, does not require that the capacity to act in the important office of a juror, grand or petty, civil or criminal, should be restrained in future to native citizens of the United States, or such as were citizens at the date of the treaty of peace which closed our Revolutionary War, and whether the ignorance of our laws and natural partiality to the countries of their birth are not reasonable causes for declaring this to be one of the rights incommunicable in future to adoptive citizens.

We, therefore, your petitioners, relying with entire confidence on the wisdom and patriotism of our representatives in General Assembly, clothed preeminently with all the powers of the people which have not been reserved to themselves, or enumerated in the grant to the General Government delegated to maintain all their rights and relations not expressly and exclusively transferred to other jurisdictions, and stationed as sentinels to observe with watchfulness and oppose with firmness all movements tending to destroy the equilibrium of our excellent but complicated machine of government, invoke

from you that redress of our violated rights which the freedom and safety of our common country calls for. We denounce to you a great crime, wicked in its purpose, and mortal in its consequences unless prevented, committed by citizens of this commonwealth against the body of their country. If we have erred in conceiving the redress provided by the law, we commit the subject to the superior wisdom of this house to devise and pursue such proceedings as they shall think best; and we, as in duty bound, shall ever pray, etc.

Etiquette.[1]

I. In order to bring the members of society together in the first instance, the custom of the country has established that residents shall pay the first visit to strangers, and, among strangers, first comers to later comers, foreign and domestic; the character of stranger ceasing after the first visits. To this rule there is a single exception. Foreign ministers, from the necessity of making themselves known, pay the first visit to the ministers of the nation, which is returned.

II. When brought together in society, all are perfectly equal, whether foreign or domestic, titled or untitled, in or out of office.

All other observances are but exemplifications of these two principles.

[1] Endorsed in Mr. Jefferson's hand: "This rough paper contains what was agreed upon.

I. 1st. The families of foreign ministers, arriving at the seat of government, receive the first visit from those of the national ministers, as from all other residents.

2d. Members of the legislature and of the judiciary, independent of their offices, have a right as strangers to receive the first visit.

II. 1st. No title being admitted here, those of foreigners give no precedence.

2d. Differences of grade among the diplomatic members, give no precedence.

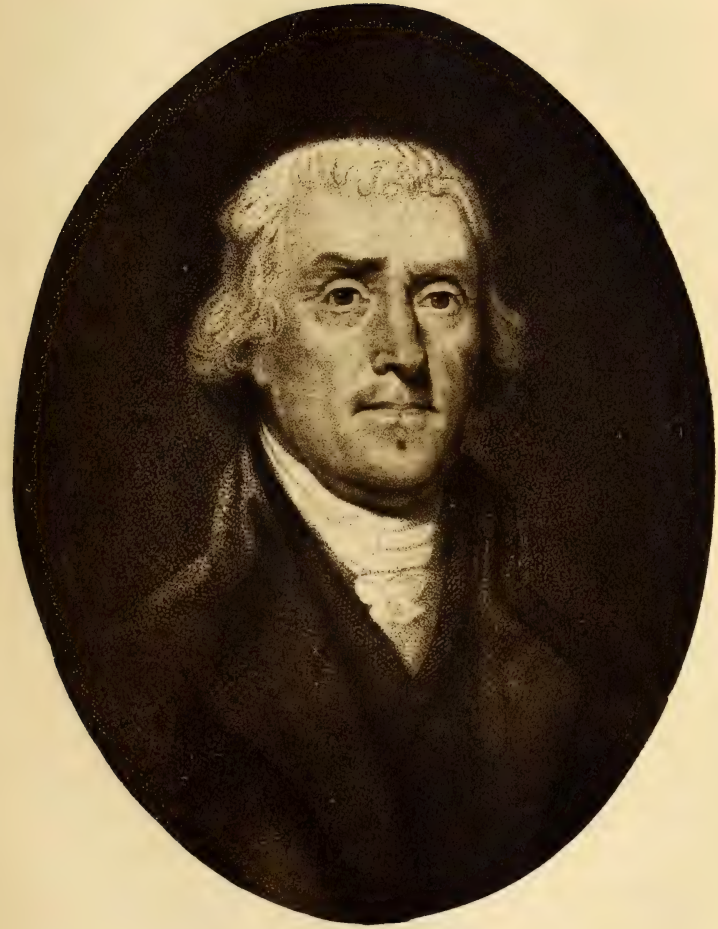
3d. At public ceremonies, to which the government invites the presence of foreign ministers and their families, a convenient seat or station will be provided for them, with any other strangers invited and the families of the national ministers, each taking place as they arrive, and without any precedence.

4th. To maintain the principle of equality, or of *pele mela*, and prevent the growth of precedence out of courtesy, the members of the Executive will practice at their own houses, and recommend an adherence to the ancient usage of the country, of gentlemen in mass giving precedence to the ladies in mass, in passing from one apartment where they are assembled into another.

Jefferson as Vice-President

Photogravure from the Original Engraving by C. Tiebout, after the Painting by Rembrandt Peale.

This engraving is from a portrait of Jefferson, probably painted in 1799, by Rembrandt Peale. It is, presumably, this portrait that Jefferson alludes to in his letter to Charles Wilson Peale, dated February 21, 1801, in which he writes: "May I ask the favor of you to present my request to your son that he would be so good as to make a copy of the portrait he took of me, and of same size?" The Tiebout copper-plate engraving made from it is very rare and was first published by D. Kennedy, of Philadelphia, about 1801.



Charges exhibited to the President of the United States against the Honorable Arthur Sinclair, as Governor of the Territory of the United States Northwest of the river Ohio.

1st. He has usurped legislative powers by the erection of counties and location of the seats of justice, by proclamation, on his own sole authority.

2d. He has misused the power of negativing legislative acts, by putting his negative on laws useful and necessary for the territory.

3d. He has refused to perform the duties of his office but on the payment of arbitrary fees not established by any lawful authority.

4th. He has negatived an act of the legislature abolishing those fees, and passed their act giving him five hundred dollars—meant as a compensation for that abolition, thereby holding both the fees and the compensation.

5th. He has attempted to effect the dismemberment of the territory, and to destroy its constitutional boundaries, in order to prevent its advancement to those rights of self-government to which its numbers would entitle it.

6th. He has granted commissions generally during pleasure; but that of Attorney General to his own son during good behavior.

7th. He has endeavored arbitrarily to influence and control the proceedings of the Judiciary, and has revoked or effected a surrender of the commis-

sions of those who have refused to bend to his will, (acknowledged, p. 22; revoked three commissions, p. 2.)

8th. He has appointed persons residing out of a county to offices, the duties of which were to be habitually performed within them. (Acknowledged, p. 20, in the case of Robb, his son-in-law, made recorder of Clermont though living in Hamilton—executed by deputy.)

9th. He has obstructed the organization and disciplining of a militia for the defence of the territory, by withholding the appointment of officers years after a law had passed establishing them.

10th. He has avowed his hostility to the form and substance of republican government.

1st. The ordinance in the paragraph respecting counties, speaks of laws adopted or made, which must refer both to the first and second stage of government; it then gives the Governor power to lay out counties from time to time, reserving a right to the legislature thereafter to alter them. This may mean that the Governor is always to lay out first, and the legislature thereafter to alter; or it may mean that the Governor is to lay out during the first stage of government, and the legislature to do it in the second, *reddendo singula singulis*. The first construction renders the power reserved the legislature null, because the Governor having a negative will not permit the other branches to act against his opinion manifested in the original laying

out. The second construction gives it full effect, and must therefore be understood to be that intended by Congress, who certainly meant to reserve a practicable right to the legislature—not a nugatory one, and the rather as the forming counties is an act of law-making, not of the execution of a law. The place of dispensing justice may not seem essentially legislative at first view, but to rest naturally with those who are to dispense it; yet when we consider it in all its relations to public convenience as well as justice, at how early a date it was deemed a grievance in England, and fixed by law, and how universally so in these States, this gives a sure practical construction of what Congress must have intended.

2d. The policy of giving a negative on laws to the Executive seems to be: 1st, to provide protection against the legislature for the other independent departments. 2d. To protect such portions of the citizens as might be oppressed by a local or partial interest happening to predominate in the legislature at the moment. But not to set up the judgment of a single individual in cases of ordinary legislation against the collected wisdom of the nation. If these ideas be just, Governor Sinclair is guilty on the second charge.

5th. The ordinance permits the whole territory northwest of the Ohio to be divided by Congress into three or five States, and says, whenever any of the said *States* shall have sixty thousand inhabi-

tants it shall be received in Congress. The change of boundary proposed by the late act of the northwest legislature did divide the population into two parts, so that both would have been much longer reaching sixty thousand than if the boundaries remained fixed by the ordinance. That the act dismembered that portion of territory which claimed to be a State, is certain. That Governor Sinclair assented to it at least is certain. That he promoted it by his influence, and with a view to continue himself and friends the longer in place and power, is suggested by many, and will be judged of by every one according to the opinion entertained of his attachment to his office, or his power of preserving his mind unbiased by that attachment or any other particular views. See Sinclair's letter to Harrison, printed State papers, March 14th, 1800.

6th. The censure implied in this charge seems to be not so much in the Governor's giving commissions during pleasure in the judiciary line, though a tenure for life there is familiar, as the making the Attorney General an officer for life, a thing unprecedented, and its being in the case of his own son. The reason assigned by the Governor that he gave him this fixed tenure, because he at that time proposed himself to retire from office, and meant thus to protect his son against his successor, admits the fact charged, and is far from justifying it.

7th. Admitting the tenure of every commission, without any special limitation, to be during the

will of him who grants it, the conduct of the three justices whose commission was revoked, and that of Mr. Finlay whose resignation was not accepted, is not sufficiently clear of blame to fix the charge of arbitrarily influencing and controlling the judiciary.

8th. This charge is admitted to be true by Governor Sinclair, in the case of his son-in-law, made Recorder of Clermont, while he lived in Hamilton. See page 20. He urges some matters in justification. Several other instances are stated by Worthington and Meigs. Will's case, p. 46.

9th. This cannot be decided but on a view of the laws.

4th. That one of these acts was meant as a compensation for the other, is not proved. See pp. 24, 43.

3d. The real charge here is that the Governor and judges selected laws from the codes of the States to give themselves fees. I was a member of Congress, and I believe of the committee which prepared the first plan for the organization of the new States. A legislature to be composed of the Governor and judges was a measure of necessity in the earliest stages of those territorial governments; yet we were sensible it was fundamentally wrong to submit freemen to laws made by officers of the Executive. It was determined, then, they should not make laws themselves, but adopt from the codes of the States, which being passed by freemen for their own government, it was supposed would never

be oppressive. But no one dreamt of their selecting laws to give themselves fees. For to what a length might not this be carried by entitling themselves to fees for every act which was allowed a fee in any single State? Their salaries were certainly understood to be in lieu of all emoluments; yet they early began this abuse. Governor Sinclair and his associates set the example. It was not unnoticed. But as every one had rather another should pass personal censures than himself, the first laws for this purpose were laid by myself before Congress with the other laws, without comment, the power of repealing being in them. Partly from much business, partly from no individual member being willing to come forward as the denunciator, the thing went on till the arbitrary and intolerable temper of Governor Sarjeant urged it on the notice of Congress. On the 12th of February, 1795, this among other legislative practices, had been disapproved by the House of Representatives, (report, p. 8, 9, February 19, 1801,) and lost in the Senate. But February 19, 1801, a committee of friends to Sarjeant, appointed by his friend Sedgwick, reported it an abuse, but not proceeding from criminal intentions, and therefore resolved that there ought to be no further proceedings for mal-administration against him, to which resolution the House disagreed by a vote of fifty against thirty-eight, though a federal House; but this being late in the day of the 3d of March, 1801, on which day they were to rise,

nothing further could be done. But Governor Sarjeant's time expiring soon after, his commission was not renewed for this among other reasons.

Hints on the Subject of Indian Boundaries, suggested for Consideration. December 29th, 1802.

An object, becoming one of great importance, is the establishment of a strong front on our western boundary, the Mississippi, securing us on that side, as our front on the Atlantic does towards the East. Our proceedings with the Indians should tend systematically to that object, leaving the extinguishment of title in the interior country to fall in as occasions may arise. The Indians being once closed in between strong settled countries on the Mississippi and Atlantic, will, for want of game, be forced to agriculture, will find that small portions of land, well improved, will be worth more to them than extensive forests unemployed, and will continually be parting with portions of them for money to buy stock, utensils, and necessaries for their farms and families.

On the Mississippi, we hold at present from our southern boundary to the Yazoo. From the Yazoo to the Ohio is the property of the Chickasaw, a tribe the most friendly to us, and at the same time the most adverse to the diminution of their lands. The portion of their territory of first importance to us, would be the slip between the Mississippi on

the west, and on the east the Yazoo and the ridge dividing the waters of the Mississippi and Tennessee. Their main settlements are eastward of this. I believe they have few within this and towards the Mississippi. The method by which we may advance towards our object will be, 1, to press the encouragements to agriculture, by which they may see how little land will maintain them much better, and the advantage of exchanging useless deserts to improve their farms. 2. To establish among them a factory or factories for furnishing them with all the necessaries and comforts they may wish (spirituous liquors excepted), encouraging these and especially their leading men, to run in debt for these beyond their individual means of paying; and whenever in that situation, they will always cede lands to rid themselves of debt. A factory about the Chickasaw bluffs, would be tolerably central, and they might admit us to tend corn for feeding the factory and themselves when at it, and even to fix some persons for the protection of the factory from the Indians west of the Mississippi, and others. After awhile we might purchase these, and add to it from time to time. 3. We should continue to increase and nourish their friendship and confidence by every act of justice and of favor which we can possibly render them. What we know in favor of the other Indians, should not constitute the measure of what we do for these, our views as to these being so much more important. This tribe is very poor,

and they want necessaries with which we abound. We want lands with which they abound; and these natural wants seem to offer fair ground of mutual supply.

The country between the Mississippi and Illinois on one side, and the Ohio and Wabash on the other, is also peculiarly desirable to us, and is in a situation this moment which renders it particularly easy for us to acquire a considerable portion of it. It has belonged to the Kaskaskias, Cahokias and Piorias. The Cahokias (of whom the Michiganris were a part) have been anticipated by the Sacs, the Piorias driven off, and the Kaskaskias decreased to a few families. Governor Harrison, in his letter of November 28th, 1802, says the Pioria chief has offered the right of his nation to these lands for a trifle. We should not fail to purchase it immediately. The Cahokias being extirpated, we have a right to their lands in preference to any Indian tribe, in virtue of our permanent sovereignty over it. He also says that De Coigne, the Kaskaskia chief, would make easy terms with us. I think we should be liberal in our offers to the Kaskaskians. They are now but a few families, exposed to numerous enemies, and unable to defend themselves, and would cede lands in exchange for protection. We might agree to their laying off one hundred acres of the best soil for every person, young and old, of their tribe, we might enclose it well for them in one general inclosure, give to every family utensils and

stock sufficient for their portion of it, and give them an annuity in necessaries, on their ceding to us their whole country, on retaining for themselves only a moderate range around their farms for their stock to range in; and we might undertake to protect them from their enemies. Having thus established ourselves in the rights of the Kaskaskias, Cahokias and Piorias, we should have to settle the boundaries between them and the Kickapoos, Powtawatamies and Weaws. We should press again the good will of these tribes by friendly acts, and of their chiefs by largesses, and then propose to run the line between us, to claim whatever can be said to be doubtful, offering them a liberal price for their pretensions, and even endeavoring to obtain from them a cession of so much of their acknowledged territory as they can be induced to part with.

As to the country on the Mississippi above the mouth of the Illinois, its acquisition is not pressing in the present state of things. It might be well to be inquiring into titles, and to claim whatever may have been abandoned or lost by its native owners, so as to prevent usurpation by tribes having no right; as also to purchase such portions as may be found in the occupation of small remnants of tribes nearly extinct and disposed to emigrate.

For the present, it is submitted to the consideration of the Secretary of War, whether instructions should not be immediately given to Governor Harrison to treat with the Piorias and Kaskaskias

chiefs; as to the latter, which is most important, it would be easy to solicit and bring over by presents every individual of mature age.

Notes on the Subject of the Consular Convention between the United States and France. May 3d, 1803.

In 1784 a convention was entered into between Dr. Franklin and the Count de Vergennes concerning consuls. It contained many things absolutely inadmissible by the laws of the several States, and inconsistent with their genius and character. Dr. Franklin, not being a lawyer, and the project offered by the Count de Vergennes being a copy of the conventions which were established between France and the despotic States on the continent (for with England they never had one), he seems to have supposed it a formula established by universal experience, and not to have suspected that it might contain matters inconsistent with the principles of a free people. He returned to America soon after the signature of it. Congress received it with the deepest concern. They honored Dr. Franklin, they were attached to the French nation; but they could not relinquish fundamental principles. They declined ratifying it, and sent it back with new powers and instructions to Mr. Jefferson, who succeeded Dr. Franklin at Paris. The most objectionable matters were the privileges and exemptions given to the

consuls, and their powers over persons of the nation, establishing a jurisdiction independent of that of the nation in which it was exercised, and uncontrollable by it. The French government valued these, because they then apprehended a very extensive emigration from France to the United States, which this convention enabled them to control. It was, therefore, with the utmost reluctance, and inch by inch, that they could be induced to relinquish these conditions. The following changes, however, were effected by the convention of 1788:

The clauses of the convention of 1784, clothing consuls with the privileges of the laws of nations, were struck out, and they were expressly subjected, in their persons and property, to the laws of the land.

The giving the right of sanctuary to their houses, was reduced to a protection of their chancery room and its papers.

Their coercive powers over passengers were taken away; and those whom they might have termed deserters of their nation, were restrained to deserted seamen only.

The clause allowing them to arrest and send back vessels, was struck out, and instead of it they were allowed to exercise a police over the ships of their nation generally.

So was that which declared the indelibility of the character of subject, and the explanation and extension of the eleventh article of the treaty of amity.

The innovations in the laws of evidence were done away; and the convention, from being perpetual, was limited to twelve years.

Although strong endeavors were made to do away some other disagreeable articles, yet it was found that more could not be done without disturbing the good humor which Congress wished so much to preserve, and the limitation obtained for the continuance of the convention insured our getting finally rid of the whole. Congress, therefore, satisfied with having so far amended their situation, ratified the convention of 1788 without hesitation.

To Mr. Wingate.

Resolutions Relative to the Alien and Sedition laws.[1]

1. *Resolved*, That the several States composing the United States of America, are not united on the principle of unlimited submission to their General Government; but that, by a compact under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a General Government for special purposes,—delegated to that government certain definite powers, reserving, each State to itself, the residuary mass

[1] Two copies of these resolutions are preserved among the manuscripts of the author, both in his own handwriting. One is a rough draught, and the other very neatly and carefully prepared. The probability is, that they are the original of the celebrated Kentucky Resolutions on the same subject.—Ed.

of right to their own self-government; and that whensoever the General Government assumes undelegated powers, its acts are unauthoritative, void, and of no force: that to this compact each State acceded as a State, and is an integral party, its co-States forming, as to itself, the other party: that the government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among powers having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.

2. *Resolved*, That the Constitution of the United States, having delegated to Congress a power to punish treason, counterfeiting the securities and current coin of the United States, piracies, and felonies committed on the high seas, and offences against the law of nations, and no other crimes whatsoever; and it being true as a general principle, and one of the amendments to the Constitution having also declared, that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people," therefore the act of Congress, passed on the 14th day of July, 1798, and intituled "An Act in addition to the act intituled An Act for the punishment of certain

crimes against the United States," as also the act passed by them on the — day of June, 1798, intituled "An Act to punish frauds committed on the bank of the United States," (and all their other acts which assume to create, define, or punish crimes, other than those so enumerated in the Constitution,) are altogether void, and of no force; and that the power to create, define, and punish such other crimes is reserved, and, of right, appertains solely and exclusively to the respective States, each within its own territory.

3. *Resolved*, That it is true as a general principle, and is also expressly declared by one of the amendments to the Constitution, that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people;" and that no power over the freedom of religion, freedom of speech, or freedom of the press being delegated to the United States by the Constitution, nor prohibited by it to the States, all lawful powers respecting the same did of right remain, and were reserved to the States or the people: that thus was manifested their determination to retain to themselves the right of judging how far the licentiousness of speech and of the press may be abridged without lessening their useful freedom, and how far those abuses which cannot be separated from their use should be tolerated, rather than the use be destroyed. And thus also they guarded against all abridgment

by the United States of the freedom of religious opinions and exercises, and retained to themselves the right of protecting the same, as this State, by a law passed on the general demand of its citizens, had already protected them from all human restraint or interference. And that in addition to this general principle and express declaration, another and more special provision has been made by one of the amendments to the Constitution, which expressly declares, that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press:" thereby guarding in the same sentence, and under the same words, the freedom of religion, of speech, and of the press: insomuch, that whatever violated either, throws down the sanctuary which covers the others, and that libels, falsehood, and defamation, equally with heresy and false religion, are withheld from the cognizance of federal tribunals. That, therefore, the act of Congress of the United States, passed on the 14th day of July, 1798, intituled "An Act in addition to the act intituled An Act for the punishment of certain crimes against the United States," which does abridge the freedom of the press, is not law, but is altogether void, and of no force.

4. *Resolved*, That alien friends are under the jurisdiction and protection of the laws of the State wherein they are: that no power over them has been delegated to the United States, nor prohibited to

the individual States, distinct from their power over citizens. And it being true as a general principle, and one of the amendments to the Constitution having also declared, that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people," the act of the Congress of the United States, passed on the — day of July, 1798, intituled "An Act concerning aliens," which assumes powers over alien friends, not delegated by the Constitution, is not law, but is altogether void, and of no force.

5. *Resolved*, That in addition to the general principle, as well as the express declaration, that powers not delegated are reserved, another and more special provision, inserted in the Constitution from abundant caution, has declared that "the migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808;" that this commonwealth does admit the migration of alien friends, described as the subject of the said act concerning aliens: that a provision against prohibiting their migration, is a provision against all acts equivalent thereto, or it would be nugatory: that to remove them when migrated, is equivalent to a prohibition of their migration, and is, therefore, contrary to the said provision of the Constitution, and void.

6. *Resolved*, That the imprisonment of a person

under the protection of the laws of this commonwealth, on his failure to obey the simple *order* of the President to depart out of the United States, as is undertaken by said act intituled "An Act concerning aliens," is contrary to the Constitution, one amendment to which has provided that "no person shall be deprived of liberty without due process of law;" and that another having provided that "in all criminal prosecutions the accused shall enjoy the right to public trial by an impartial jury, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence," the same act, undertaking to authorize the President to remove a person out of the United States, who is under the protection of the law, on his own suspicion, without accusation, without jury, without public trial, without confrontation of the witnesses against him, without hearing witnesses in his favor, without defence, without counsel, is contrary to the provision also of the Constitution, is therefore not law, but utterly void, and of no force: that transferring the power of judging any person, who is under the protection of the laws, from the courts to the President of the United States, as is undertaken by the same act concerning aliens, is against the article of the Constitution which provides that "the judicial power of the United States shall be vested in courts, the judges of which shall

hold their offices during good behavior;" and that the said act is void for that reason also. And it is further to be noted, that this transfer of judiciary power is to that magistrate of the General Government who already possesses all the Executive, and a negative on all legislative powers.

7. *Resolved*, That the construction applied by the General Government (as is evidenced by sundry of their proceedings) to those parts of the Constitution of the United States which delegate to Congress a power "to lay and collect taxes, duties, imports, and excises, to pay the debts, and provide for the common defence and general welfare of the United States," and "to make all laws which shall be necessary and proper for carrying into execution the powers vested by the Constitution in the government of the United States, or in any department or officer thereof," goes to the destruction of all limits prescribed to their power by the Constitution: that words meant by the instrument to be subsidiary only to the execution of limited powers, ought not to be so construed as themselves to give unlimited powers, nor a part to be so taken as to destroy the whole residue of that instrument: that the proceedings of the General Government under color of these articles, will be a fit and necessary subject of revisal and correction, at a time of greater tranquillity, while those specified in the preceding resolutions call for immediate redress.

8th. *Resolved*, That a committee of conference

and correspondence be appointed, who shall have in charge to communicate the preceding resolutions to the legislatures of the several States; to assure them that this commonwealth continues in the same esteem of their friendship and union which it has manifested from that moment at which a common danger first suggested a common union: that it considers union, for specified national purposes, and particularly to those specified in their late federal compact, to be friendly to the peace, happiness and prosperity of all the States: that faithful to that compact, according to the plain intent and meaning in which it was understood and acceded to by the several parties, it is sincerely anxious for its preservation: that it does also believe, that to take from the States all the powers of self-government and transfer them to a general and consolidated government, without regard to the special delegations and reservations solemnly agreed to in that compact, is not for the peace, happiness or prosperity of these States; and that therefore this commonwealth is determined, as it doubts not its co-States are, to submit to undelegated, and consequently unlimited powers in no man, or body of men on earth: that in cases of an abuse of the delegated powers, the members of the General Government, being chosen by the people, a change by the people would be the constitutional remedy; but, where powers are assumed which have not been delegated, a nullification of the act is the rightful

remedy: that every State has a natural right in cases not within the compact, (casus non fœderis,) to nullify of their own authority all assumptions of power by others within their limits: that without this right, they would be under the dominion, absolute and unlimited, of whosoever might exercise this right of judgment for them: that nevertheless, this commonwealth, from motives of regard and respect for its co-States, has wished to communicate with them on the subject: that with them alone it is proper to communicate, they alone being parties to the compact, and solely authorized to judge in the last resort of the powers exercised under it, Congress being not a party, but merely the creature of the compact, and subject as to its assumptions of power to the final judgment of those by whom, and for whose use itself and its powers were all created and modified: that if the acts before specified should stand, these conclusions would flow from them; that the General Government may place any act they think proper on the list of crimes, and punish it themselves whether enumerated or not enumerated by the Constitution as cognizable by them: that they may transfer its cognizance to the President, or any other person, who may himself be the accuser, counsel, judge and jury, whose *suspicions* may be the evidence, his *order* the sentence, his *officer* the executioner, and his breast the sole record of the transaction: that a very numerous and valuable description of

the inhabitants of these States being, by this precedent, reduced, as outlaws, to the absolute dominion of one man, and the barrier of the Constitution thus swept away from us all, no rampart now remains against the passions and the powers of a majority in Congress to protect from a like exportation, or other more grievous punishment, the minority of the same body, the legislatures, judges, governors, and counsellors of the States, nor their other peaceable inhabitants, who may venture to reclaim the constitutional rights and liberties of the States and people, or who for other causes, good or bad, may be obnoxious to the views, or marked by the suspicions of the President, or be thought dangerous to his or their election, or other interests, public or personal: that the friendless alien has indeed been selected as the safest subject of a first experiment; but the citizen will soon follow, or rather, has already followed, for already has a sedition act marked him as its prey: that these and successive acts of the same character, unless arrested at the threshold, necessarily drive these States into revolution and blood, and will furnish new calumnies against republican government, and new pretexts for those who wish it to be believed that man cannot be governed but by a rod of iron: that it would be a dangerous delusion were a confidence in the men of our choice to silence our fears for the safety of our rights: that confidence is everywhere the parent of despotism—free government is founded in jealousy,

and not in confidence; it is jealousy and not confidence which prescribes limited constitutions, to bind down those whom we are obliged to trust with power: that our Constitution has accordingly fixed the limits to which, and no further, our confidence may go; and let the honest advocate of confidence read the alien and sedition acts, and say if the Constitution has not been wise in fixing limits to the government it created, and whether we should be wise in destroying those limits. Let him say what the government is, if it be not a tyranny, which the men of our choice have conferred on our President, and the President of our choice has assented to, and accepted over the friendly strangers to whom the mild spirit of our country and its laws have pledged hospitality and protection: that the men of our choice have more respected the bare *suspicions* of the President, than the solid right of innocence, the claims of justification, the sacred force of truth, and the forms and substance of law and justice. In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution. That this commonwealth does therefore call on its co-States for an expression of their sentiments on the acts concerning aliens, and for the punishment of certain crimes herein before specified, plainly declaring whether these acts are or are not authorized by the federal compact. And it doubts not that their sense will be so announced as to prove

their attachment unaltered to limited government, whether general or particular. And that the rights and liberties of their co-States will be exposed to no dangers by remaining embarked in a common bottom with their own. That they will concur with this commonwealth in considering the said acts as so palpably against the Constitution as to amount to an undisguised declaration that that compact is not meant to be the measure of the powers of the General Government, but that it will proceed in the exercise over these States, of all powers whatsoever: that they will view this as seizing the rights of the States, and consolidating them in the hands of the General Government, with a power assumed to bind the States, (not merely as the cases made federal, (casus fœderis,) but in all cases whatsoever, by laws made, not with their consent, but by others against their consent: that this would be to surrender the form of government we have chosen, and live under one deriving its powers from its own will, and not from our authority; and that the co-States, recurring to their natural right in cases not made federal, will concur in declaring these acts void, and of no force, and will each take measures of its own for providing that neither these acts, nor any others of the General Government not plainly and intentionally authorized by the Constitution, shall be exercised within their respective territories.

9th. *Resolved*, That the said committee be author-

ized to communicate by writing or personal conferences, at any times or places whatever, with any person or persons who may be appointed by any one or more co-States to correspond or confer with them; and that they lay their proceedings before the next session of Assembly.

Dr. Stevens' Case.[1] *June 12th*, 1804.

I consider the annual act which appropriates a given sum to the expenses of intercourse with foreign nations, as a sufficient authority to the President (the constitutional organ of foreign intercourse) to expend that sum for the purposes of foreign intercourse at his discretion. If he abuses that discretion, he is responsible for it in a constitutional way. The legal restrictions on this power are, 1. That for outfit or compensation for personal services and expenses to certain specified grades (which are those chiefly used by the United States), not more than specified sums shall be allowed. 2. That the

[1] June 12th, 1804.

MR. GALLATIN,—On the subject of Dr. Stevens' case, I had, before receiving your letter, endeavored to form as correct a judgment as I could, and had made some notes, keeping them open till I might see whether anything further should be added. I have this morning put them into some form. Of the purity of the motives of your objections, it was impossible I should ever entertain a moment's doubt. Of my opinion of their solidity, you will see a proof in the conclusions I have drawn, and which will probably condemn more than the half of Dr. Stevens' claims. I enclose you a copy of my opinion on the subject, which may serve as the direction of the Department of State to the comptroller. Accept my affectionate salutations.

whole expenses shall not exceed the sum appropriated. 3. That an account of the expenditure shall be rendered. The sum on which these restrictions leave the Executive discretion to act, is too small to excite any rational jealousy, or to render it useful to restrict it further by rigorous and unusual constructions. The Executive, therefore, is believed to be free to make allowance to the specified grades for any object than those (for personal services and expenses), and to employ any unspecified grade on such salary and allowance as he thinks proper within the limits of the whole appropriation. Nor is any law, or principle of law known, which would forbid the superadding these agencies and allowances for them to the ordinary functions of a court minister, etc. I consider the appointment, therefore, and allowance to Dr. Stevens to have been within the limits of the Executive authority.

Whenever it is agreed between two parties that certain services shall be performed by the one for the other, and no special compensation is stipulated, the law understands their intention to be that a *quantum meruit*, or a reasonable compensation shall be allowed. Such an agreement will therefore be implied by law in the case of Dr. Stevens. What is that reasonable compensation? Not his expenses, however extravagant, even if a contract could be proved that his expenses were to be paid. The law understands such a promise to mean his reasonable expenses only. His functions were in a certain

degree of a diplomatic nature. Yet the government to which he was sent, not being independent, he could not be invested formally with any diplomatic grade. If we place him, therefore, on the level of the lowest grade, that of a chargé des affaires, and make that the measure of his *quantum meruit*, we shall do him full justice. No circumstance justifies his assuming a higher place.

But shall he be considered as a permanent agent, and therefore entitled to an outfit, or only as an occasional one to be allowed the reasonable expenses of his passage, which is the rule with occasional diplomatic agents? His not having been nominated to the Senate clearly excludes him from the character of a permanent agent, if it does not take from him all legal character after their first session following his appointment. To draw such a line as will admit the Executive, during the recess of the Senate, to despatch a special agent for a particular purpose without awaiting their approbation, and yet not enable him, by continuing that agent permanently, to evade the constitutional approbation of the Senate, and to keep up a separate corps of diplomacy of his own, will require great consideration, caution and candor, and until it be done, great attention in the Executive to keep within unquestionable bounds. I do not think, however, that the right of Dr. Stevens ought to depend on that definition. An individual who is employed by the highest public functionary to do a public service

within the line of his authority, is bound to consider him as acting with legal powers, and as alone charged with all the responsibility if he transcends his powers. Dr. Stevens had a right to expect the Executive would nominate him to the Senate for approbation, if that nomination was necessary. He proceeds in his duty, and supposes the Executive does the same, and ought not to lose his right by the failure of the latter. The public in such case should pay the individual, and take on themselves the measures necessary to prevent similar infractions of the Constitution in future.

Questions meriting great consideration, have been made as to the sufficiency of the evidence offered in support of Dr. Stevens' claims. The settling by a *quantum meruit*, the claim (for personal services and expenses) gets rid of this question so far. For that the services were performed is notorious, and that it was by public authority, results from the whole correspondence. It has been suspected, indeed, that there was no contract, nor any other reward intended than certain privileges of commerce. But this is not the way the United States pay their servants. Monopolizing compensations are among the most fatal abuses which some governments practice from false economy. They are not the usage here, and if suggested, the *onus probandi* is thrown on the party suggesting it. The law will presume a fair and usual contract, but not one which is improper and unusual.

The claim for travelling expenses within the limits of his agency, would require proof of positive contract. When an agent for a limited district, is sent into another, his expenses have been usually allowed; but never those of travelling to and from places within his regular care, and for the regular purposes of that care. His general allowance compensates his general superintendence over the whole, and to pay him for visiting each particular part also, would be a double payment. This would lead to endless claims and difficulties.

The hire of despatch vessels has been attended with such singular circumstances as excite almost invincible suspicion that they came on the ordinary business of the mercantile house. This means of conveying information is so expensive, that it is not allowed even to diplomatic agences, but on great and important emergencies, on each of which as it arises, the Department of State will decide, at the risk of the agent venturing on it. Whether these despatch vessels came purely on public account, and whether the matter they were charged with justified the expense, should be strictly inquired into.

Inquiry will doubtless also be made, 1, whether Mr. Yard's connection in interest with Dr. Stevens will admit him to be a witness in this case; and 2, if it does, his testimony will be estimated, as every other man's is which is given under circumstances of bias of which he is not sensible himself.

In deciding on these questions of evidence, we are bound to proceed by the same laws of evidence which govern the courts of justice. These are the laws of the land, admitting no exceptions of person, public or private. The laws in refusing an appeal to the ordinary tribunals in questions between an individual and the public, and leaving the decision in the Executive department, has changed the judge in this instance, but not the law. It has given judiciary but not legislative powers; and the laws of the land are the inheritance and the right of every man, before whatever tribunal he is brought. For instance, that a contract need not be on record; that it may be by parol as well as in writing, that a written contract may be controlled by verbal agreement or other intrinsic matter, are principles of law to which Dr. Stevens is entitled on the one hand, as it is our duty, on the other, to bring his claims to the test of law, to sift the facts on which they rest by the common rules of evidence, and to decide according to these on every item of his accounts, not weakly to relieve an individual by giving him the public money, nor arbitrarily to withhold by public power what is justly due to an individual. This investigation cannot be better trusted than to the justice and judgment of the comptroller, to whom therefore it is referred.

Jefferson's Letter to Dr. Thornton, May 9, 1817

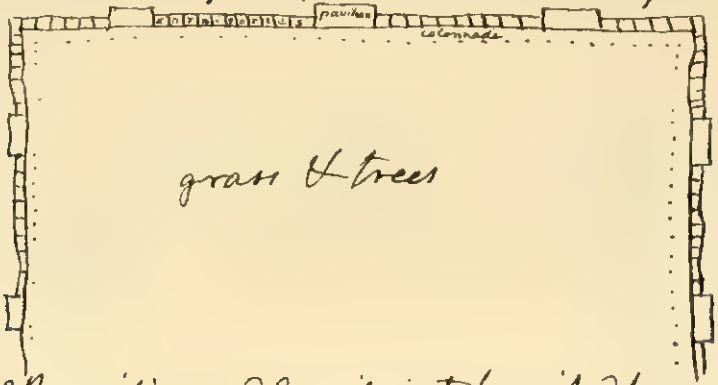
Photo-engraving from the Original in Jefferson's handwriting.

This letter, written to Dr. Thornton, the man who originally planned the United States Capitol, outlines the scheme of the University of Virginia and encloses a ground-plan of the institution, drawn in the rough by Jefferson.

Dear Sir Monticello May 9. 17

Your favor of Apr. 18. was duly received, and the two drawings were delivered here by mr & mrs Madison in perfect good order. with respect to Cracchi's bust, any artist whom you may despise to do so shall be welcome to come and make a cast of plaister from it. we have always plaister at hand.

We are commencing here the establishment of a college, and instead of building a magnificent house which would exhaust all our funds, we propose to lay off a square of about 7 or 800. f. on the outside of which we shall arrange separate pavilions, one for each professor and his scholars. each pavilion will have a schoolroom below, and 2 rooms for the Professor above and between pavilion and pavilion a range of dormitories for the boys, one story high, giving to each a room 10. f. wide & 14. f. deep. the pavilions about 36. wide in front and 24 f. in depth. this sketch will give you an idea of it



the whole of the pavilions and dormitories to be united by a colonnade in front of the height of the lower story of the pavilions, under which they may go dry from school to school. the colonnade will be of square brick pilasters (at first) with a Tuscan entablature. now what we want is that these pavilions as they will shew themselves above the dormitories, shall be models of taste & good architecture, & of a variety of appearance, no two alike, so as to serve as specimens for the Architectural lectures. will you set your imagination to work and sketch some designs for us. no matter how loosely with the pen, without the trouble of referring to scale or rule; for we want nothing but the outline of the architecture, as the internal must be arranged according to local conveniences. a few sketches, such as need not take you a moment, will greatly oblige us. The visitors of the college are President Monroe, mr Madison, 3 others whom you do not know & myself.

we have to struggle against two important wants, money, and men for professors, capable of fulfilling our views. they may come on to us for all Europe seems to be breaking up. in the mean time help us to provide snug and handsome lodges for them. I salute you with friendship and respect

Th: Jefferson

Notes on a Draught for a Second Inaugural Address.

The former one was an exposition of the principles on which I thought it my duty to administer the government. The second, then, should naturally be a *compte rendu*, or a statement of facts showing that I have conformed to those principles. The former was *promise:* this is *performance.* Yet the nature of the occasion requires that detail should be avoided; that the most prominent heads only should be selected, and these placed in a strong light, but in as few words as possible. These heads are foreign affairs, domestic ditto, viz.: Taxes, Debts, Louisiana, Religion, Indians, the Press. None of these heads need any commentary but that of Indians. This is a proper topic, not only to promote the work of humanizing our citizens towards these people, but to conciliate to us the good opinion of Europe on the subject of the Indians. This, however, might have been done in half the compass it here occupies. But every respecter of science, every friend to political reformation, must have observed with indignation the hue and cry raised against philosophy and the rights of man; and it really seems as if they would be overborne, and barbarism, bigotry, and despotism, would recover the ground they have lost by the advance of the public understanding. I have thought the occasion justified some discountenance of these anti-social doctrines, some testimony against them.

But not to commit myself in direct warfare on them, I have thought it best to say what is directly applied to the Indians only, but admits by inference a more general extension.

Farewell Address to Thomas Jefferson, President of the United States.

[Agreed to by both Houses, Feb. 7, 1809.]

SIR,—The General Assembly of your native State cannot close their session, without acknowledging your services in the office which you are just about to lay down, and bidding you a respectful and affectionate farewell.

We have to thank you for the model of an administration conducted on the purest principles of republicanism; for pomp and state laid aside; patronage discarded; internal taxes abolished; a host of superfluous officers disbanded; the monarchic maxim "that a national debt is a national blessing," renounced, and more than thirty-three millions of our debt discharged; the native right to nearly one hundred millions of acres of our national domain extinguished; and, without the guilt or calamities of conquest, a vast and fertile region added to our country, far more extensive than her original possessions, bringing along with it the Mississippi and the port of Orleans, the trade of the west to the Pacific ocean, and in the intrinsic value of the land itself, a source of permanent and almost inexhaust-

ible revenue. These are points in your administration which the historian will not fail to seize, to expand, and teach posterity to dwell upon with delight. Nor will he forget our peace with the civilized world, preserved through a season of uncommon difficulty and trial; the good will cultivated with the unfortunate aborigines of our country, and the civilization humanely extended among them; the lesson taught the inhabitants of the coast of Barbary, that we have the means of chastising their piratical encroachments, and awing them into justice; and that theme, on which, above all others, the historic genius will hang with rapture, the liberty of speech and of the press preserved inviolate, without which genius and science are given to man in vain.

In the principles on which you have administered the government, we see only the continuation and maturity of the same virtues and abilities, which drew upon you in your youth the resentment of Dunmore. From the first brilliant and happy moment of your resistence to foreign tyranny, until the present day, we mark with pleasure and with gratitude the same uniform, consistent character, the same warm and devoted attachment to liberty and the republic, the same Roman love of your country, her rights, her peace, her honor, her prosperity.

How blessed will be the retirement into which you are about to go! How deservedly blessed will

it be! For you carry with you the richest of all rewards, the recollection of a life well spent in the service of your country, and proofs the most decisive, of the love, the gratitude, the veneration of your countrymen.

That your retirement may be as happy as your life has been virtuous and useful; that our youth may see in the blissful close of your days, an additional inducement to form themselves on your model, is the devout and earnest prayer of your fellow citizens who compose the General Assembly of Virginia.

Notes on Fifth Volume of Marshall's Life of Washington.

Page 2. "*The practicability of perpetuating his authority, etc.*" I am satisfied that General Washington had not a wish to perpetuate his authority; but he who supposes it was practicable, had he wished it, knows nothing of the spirit of America, either of the people or of those who possessed their confidence. There was indeed a cabal of the officers of the army who proposed to establish a monarchy and to propose it to General Washington. He frowned indignantly at the proposition [according to the information which got abroad,] and Rufus King and some few civil characters, chiefly [indeed, I believe to a man] north of Maryland, who joined in this intrigue. But they never dared openly to

avow it, knowing that the spirit which had produced a change in the form of government was alive to the preservation of it.

Page 28. The member of Congress here alluded to was myself, and the extracts quoted, was part of a letter from myself in answer to one General Washington wrote. (See both.) General Washington called on me at Annapolis (where I then was as a member of Congress), on his way to the meeting of the Cincinnati in Philadelphia. We had much conversation on the institution, which was chiefly an amplification of the sentiments in our letters, and, in conclusion, after I had stated to him the modifications which I thought might remove all jealousies, as well as dangers, and the parts which might still be retained, he appeared to make up his mind, and said: "No! not a fibre of it must be retained—no half-way reformation will suffice. If the thing be bad, it must be totally abolished." And he declared his determination to use his utmost endeavors to have it entirely abolished. On his return from Philadelphia he called on me again at Annapolis, and sat with me until a very late hour in the night, giving me an account of what passed in their convention. The sum of it was that he had exerted his whole influence in every way in his power to procure an abolition; that the opposition to it was extreme, and especially from some of the younger members; but that after several days of struggle within doors and without, a general senti-

ment was obtained for its entire abolition. Whether any vote had been taken on it or not, I do not remember; but his affirmation to me was, that within a few days (I think he said two or three) it would have been formally abolished. Just in that moment arrived Major L'Enfant, who had been sent to France to procure the Eagles, and to offer the order to the French officers who had served in America. He brought the King's permission to his officers to accept it, the letters of thanks of these officers accepting it, letters of solicitation from other officers to obtain it, and the Eagles themselves. The effect of all this on the minds of the members was to undo much of what had been done; to rekindle all the passions which had produced the institution, and silence all the dictates of prudence, which had been operating for its abolition. After this, the General said, the utmost that could be effected was the modification which took place, and which provided for its extinction with the death of the existing members. He declined the presidency, and, I think, Baron Steuben was appointed. I went soon after to France. While there, M. de Meunier, charged with that part of the Encyclopédie Methodique which relates to economy politique and diplomatique, called on me with the article of that dictionary, "Etats Unis," which he had prepared ready for the press, and begged I would revise it and make any notes on it which I should think necessary towards rendering it correct. I furnished

him most of the matter of his fifth, sixth, eighth, ninth, and tenth sections of the article "Etats Unis," with which, however, he intermixed some of his own. The ninth is that which relates to the Cincinnati. On this subject, the section, as prepared by him, was an unjust and incorrect philippic against General Washington and the American officers in general. I wrote a substitute for it, which he adopted, but still retaining considerable of his own matter, and interspersing it in various parts.

Page 33. "*In a government constituted,*" *etc.* Here begins the artful complexion he has given to the two parties, Federal and Republican. In describing the first by their views and motives, he implies an opposition to those motives in their opponents which is totally untrue. The real difference consisted in their different degrees of inclination to Monarchy or Republicanism. The Federalists wished for everything which would approach our new government to a monarchy. The Republicans to preserve it essentially republican. This was the true origin of the division, and remains still the essential principle of difference between the two parties.

Scheme for a System of Agricultural Societies.
March, 1811.

Several persons, farmers and planters of the county of Albemarle, having, during their visits and occasional meetings together, in conversations on the subjects of their agricultural pursuits, received considerable benefits from an intercommunication of their plans and processes in husbandry, they have imagined that these benefits might be usefully extended by enlarging the field of communication so as to embrace the whole dimensions of the State. Were practical and observing husbandmen in each county to form themselves into a society, commit to writing themselves, or state in conversations at their meetings to be written down by others, their practices and observations, their experiences and ideas, selections from these might be made from time to time by every one for his own use, or by the society or a committee of it, for more general purposes. By an interchange of these selections among the societies of the different counties, each might thus become possessed of the useful ideas and processes of the whole; and every one adopt such of them as he should deem suitable to his own situation. Or to abridge the labor of such multiplied correspondences, a central society might be agreed on to which, as a common deposit, all the others should send their communications. The society thus honored by the general confidence, would

doubtless feel and fulfil the duty of selecting such papers as should be worthy of entire communication, of extracting and digesting from others whatever might be useful, and of condensing their matter within such compass as might reconcile it to the reading, as well as to the purchase of the great mass of practical men. Many circumstances would recommend, for the central society, that which should be established in the county of the seat of government. The necessary relations of every county with that would afford facilities for all the transmissions which should take place between them. The annual meeting of the legislature at that place, the individuals of which would most frequently be members of their county societies, would give opportunities of informal conferences which might promote a general and useful understanding among all the societies; and presses established there offer conveniences entirely peculiar to that situation.

In a country, of whose interests agriculture forms the basis, wherein the sum of productions is limited by the quantity of the labor it possesses, and not of its lands, a more judicious employment of that labor would be a clear addition of gain to individuals as well as to the nation, now lost to both by a want of skill and information in its direction. Every one must have seen farms otherwise equal, the one producing the double of the other by the superior culture and management of its possesssor; and every one must have under his eye numerous examples

of persons setting out in life with no other possession than skill in agriculture, and speedily, by its sole exercise, acquire wealth and independence. To promote, therefore, the diffusion of this skill, and thereby to procure, with the same labor now employed, greater means of subsistence and of happiness to our fellow citizens, is the ultimate object of this association; and towards effecting it, we consider the following particulars among those most worthy of the attention of the societies proposed.

1st. And principally the cultivation of our primary staples of wheat, tobacco, and hemp, for market.

2d. All subsidiary articles for the support of the farm, the food, the clothing and the comfort of the household, as Indian corn, rye, oats, barley, buckwheat, millet, the family of peas and beans, the whole family of grasses, turnips, potatoes, Jerusalem artichokes, and other useful roots, cotton and flax, the garden and orchard.

3d. The care and services of useful animals for the saddle or draught, for food or clothing, and the destruction of noxious quadrupeds, fowls, insects, and reptiles.

4th. Rotations of crops, and the circumstances which should govern or vary them, according to the varieties of soil, climate, and markets, of our different counties.

5th. Implements of husbandry and operations with them, among which the plough and all its kindred instruments for dividing the soil, holds the

first place, and the threshing machine an important one, the simplification of which is a great desideratum. Successful examples, too, of improvement in the operations of these instruments would be an excitement to correct the slovenly and unproductive practices too generally prevalent.

6th. Farm buildings and conveniences, inclosures, roads, fuel, timber.

7th. Manures, plaster, green-dressings, fallows, and other means of ameliorating the soil.

8th. Calendars of works, showing how a given number of laborers and a draught of animals are to be employed every day in the year so as to perform within themselves, and in their due time, according to the usual course of seasons, all the operations of a farm of given size. This being essential to the proportioning the labor to the size of the farm

9th. A succinct report of the different practices of husbandry in the county, including the bad as well as the good, that those who follow the former may read and see their own condemnation in the same page which offers better examples for their adoption. It is believed that a judicious execution of this article alone, might nearly supersede every other duty of the society, inasmuch as it would present every good practice which has occurred to the mind of any cultivator of the State for imitation, and every bad one for aviodance. And the choicest processes culled from every farm, would compose a course probably near perfection.

10th. The county communications being first digested in their respective societies, a methodical and compact digest and publication of these would be the duty of the central society; and on the judicious performance of this, would in a great degree depend the utility of the institutions, and extent of improvement flowing from them.

11th. That we may not deter from becoming members, those practical and observing husbandmen whose knowledge is the most valuable, and who are mostly to be found in that portion of citizens with whom the observance of economy is necessary, all duties of every kind should be performed gratis; and to defray the expenses of the central publication alone, each member should pay at the first stated meeting of his society in every year, —— dollars, for which he should be entitled to receive a copy of the publication bound in boards.

12th. The first association of —— persons in any county notifying themselves as constituted to the central society, should be received as the society of the county making a part of the general establishment here proposed; but every county society should be free to adopt associate members, although residents of other counties, and to receive and avail the institution of communications from persons not members, whether in or out of their county.

We are far from presuming to offer this organization and these principles of constitution as complete, and worthy the implicit adoption of other societies.

They are suggested only as propositions for consideration and amendment, and we shall readily accede to any others more likely to effect the purposes we have in view. We know that agricultural societies are already established in some counties; but we are not informed of their particular constitutions. We request these to be admitted into their brotherhood, and to make with them parts of one great whole. We have learned that such a society is formed or forming at the seat of our government. We ask their affiliation, and give them our suffrage for the station of central society. We promise to all our zealous co-operation in promoting the objects of the institution, and to contribute our mite in exchange for the more abundant information we shall receive from others.

For these purposes we now constitute ourselves an agricultural society of the county of Albemarle, and adopt as rules for present observance, the principles before stated.

Our further organization shall be a president, secretary and treasurer, to be chosen at the first stated meeting to be held in every year, by a majority of the members present, provided those present be a majority of the existing members, and to continue in office until another election shall be made.

There shall be four stated meetings in every year, to wit: on the first Mondays in January, April, July and October.

The place of meeting, and rules of the society,

shall be established, revoked or altered, and new members admitted, at any of the stated meetings, by a majority of the attending members, if they be a majority of those present, not being less than one-fourth of the whole. And, lest the powers given to the greater quorum of a majority of the whole, should at any time remain unexercised from insufficient attendance, the same may be exercised by a resolution of the lesser quorum of one-fourth, passed at a stated meeting: provided it be confirmed at the next stated meeting, by either a greater or lesser quorum, and in the meantime have no force.

Those who for two whole years shall not have attended any stated meeting shall, *ipso facto*, cease to be members. And to ascertain at all times who are the existing members, the names of those attending every meeting shall be regularly entered in the journals of the society.

The president shall preside at all meetings when present, and when absent, a president *pro tempore* may be appointed for that purpose *by those present.*

Observations on the Force and Obligation of the Common Law in the United States, on the occasion of Hardin's Case, in Kentucky. November 11th, 1812.

The *common law of England* is that system of law which was established in that country anterior to the Magna Charta, 9 H. 3, before which period no statutes are extant of record. It is used in contra-

distinction to the term *statute law*, which comprehends all the laws passed by their Parliament from the Magna Charta down to this day.

The term *common law* is used also in contradistinction to the *chancery*, as when we speak of the doctrines or courts of the common law, the doctrines or courts of chancery, and then include the *statute law* also. In which sense the term is used, must always depend on the subject matter.

On the settlement of the colonies now composing the United States, and the establishment of a legislature in each of them, that legislature, in some cases, finding that the enacting a complete code of laws, which should reach every transaction needing legislative regulation, would be far beyond their time and abilities, adopted, by an express act of their own, the laws of England as they stood at that date, comprehending the common law, statutes to that period, and the chancery law. In other cases, instead of adopting them by an express statute of their own, they considered themselves as having brought with them, and been, even on their passage, under the constant obligation of the laws of the mother country, and on their arrival they continued to practice them without any act of adoption, which practice or usage is evidence that there was an adoption by general consent. In the case of Connecticut, they did not adopt the common law of England at all as their basis, but declared by an act of their own, that the law of God, as it stood

revealed in the Old and New Testament, should be the basis of their laws, to be subject to such alterations as they should make. In all the cases where the common law, or laws of England, were adopted either expressly or tacitly, the legislatures held of course, and exercised the power of making additions and alterations.

As the different States were settled at very different periods, and the adoption for each State was the laws of England as they stood at the moment of the adoption by the State, it is evident that the system was adopted in 1607 by Virginia, was one thing, as by Pennsylvania was another thing, as by Georgia, in 1759, was still a different one. And when to this is added the very diversified modifications of the adoptive code, produced by the subsequent laws passed by the legislatures of the different States, the system of common law in force in any one State on the 24th of September, 1789, when Congress assumed the jurisdiction given them by the Constitution, was very different from the systems in force at the same moment in the several other States: that in all of these the common law was in force by virtue of the adoption of the State, express or tacit, and that it was not in force in Connecticut, because they had never adopted it.

Having settled, by way of preliminary, to what extent, and by what authority, the common law of England is the law of each of the States, we will proceed to consider how far, and by what authority,

it is the law of the United States as a national government.

By the Constitution, the General Government has jurisdiction in all cases arising under the Constitution, under the (constitutional) laws of the United States, and under treaties; in all cases, too, of ambassadors, of admiralty jurisdiction, where the United States is a party, between a State or its citizens, or another State or its citizens, or a foreign State or its citizens.

The General Government, then, had a right to take under their cognizance all these cases, and no others. This might have been done by Congress, by passing a complete code, assuming the whole field of their jurisdiction, and applying uniformly to every State, without any respect to the laws of that State. But, like the State legislatures, who had been placed before in a similar situation, they felt that it was a work of too much time and difficulty to be undertaken. Observing, therefore, that (except cases of piracy and murder on the high seas) all the cases within their jurisdiction must arise in some of the States, they declared by the act Sept. 24, 1789, c. 20, § 34, "That the laws of the several States, except where the Constitution, treaties, or statutes of the United States shall otherwise provide, shall be regarded as rules of decision in trials at *common law* in the courts of the United States in cases where they apply."

Here, then, Congress adopt for each State the

laws of that State; and among the laws so adopted were portions of the common law, greater or less in different States, and in force, not by any innate authority of its own, but by the adoption or enacting of it by the State authority.

Now what was the opinion to which this was opposed? Several judges of the General Government declared that "the common law of England is the unwritten law of the United States in their national and federal capacity." A State judge, in a printed work, lays it down as "certainly wrong to say that the judiciary power of the nation can exercise no authority but what depends for its principle on acts of the national legislature." And then quoting the preamble to the Constitution of the United States, which says that its object is "to insure domestic tranquillity, promote the general welfare," etc., he adds, that "what is here expressed is the *common law* of the whole country," and that "whatever is in opposition to it, whether treason, insurrection, sedition, murder, riot, assaults, batteries, thefts or robberies, may be punished as crimes, independent of any act of Congress." And opinions equivalent to this were declared by one party on the floor of Congress. This is the doctrine which the republicans declared heretical. They deny that Congress can pass any law not authorized by the Constitution, and that the judges can act on any law not authorized by Congress, or by the Constitution in very direct terms.

If the true doctrine then be, that certain portions of the common and statute law of England be in force in the different States by virtue of the adoption of that State, and in the federal courts of the same State by virtue of the adoption by Congress of the laws of that State within its limits, then whenever a case is presented to a federal court, they are to ask themselves the following questions:

1. Is this case within any of the definitions of jurisdiction given by the Constitution to the General Government? If it be decided that it is, then

2. Has Congress by any positive statute assumed cognizance of this case as permitted them by the Constitution? To determine this question, the judge must first look into the statutes of Congress generally; if he finds it not there, he must look into the laws of the State, as well as that portion of the English code which the State may have adopted, as the acts passed specially by the legislature. If the case be actually found provided for in these laws, another question still remains, viz.:

3. Is the law of the State applicable to the analogous case of the General Government? for it may happen that a law of the State, adapted perfectly to its own organization and local circumstances, may not tally with the different organization or circumstances of the federal government. If the difference be such as to defeat the application, it must be considered as a case unprovided for by Congress, and not cognizable in their courts. Just

so parts of the common or statute law of England are found by the State judges inapplicable to their State from a difference of circumstance. These differences of circumstance will be shaded off from nothing to direct inconsistence, and it will be only by many decisions on a great variety of cases that the line will at length be drawn.

Let us apply these questions to Hardin's case, which is simply this: Congress, by an express statute, 1802, c. 13, § 6, have made the murder of an Indian within the territory of the United States punishable by death. A murder is committed on an Indian in that territory. The murderers fly to Kentucky. They are demanded by the Governor of Indiana of the Governor of Kentucky; under whose authority our officer attempting to take them, they are protected by Hardin and others in arms.

1. Is this case within the jurisdiction of Congress? *Answer.* Congress having a right "to make all rules and regulations respecting the territory of the United States," have declared this to be a case of murder. As they can "make all laws necessary and proper for carrying their powers into execution," they can make the protecting a murderer criminal in any part of the United States.

2. Has Congress assumed cognizance of the offence of Hardin? We must first examine whether the act of Congress, 1790, c. 9, § 22, takes in this offence. Then whether the laws of Kentucky, common,

statute, or State law, as adopted by Congress, comprehend this offence.

3. Whether any difference of organization or other circumstance renders the law of Kentucky inapplicable to this offence, can be decided by those only who are particularly acquainted with that law.

Plan for Elementary Schools.

POPLAR FOREST, Sept. 9th, 1817.

DEAR SIR,—I promised you that I would put into the form of a bill my plan of establishing the Elementary Schools, without taking a cent from the Literary fund. I have had leisure at this place, to do this, and now send you the result. If twelve or fifteen hundred schools are to be placed under one general administration, an attention so divided will amount to a dereliction of them to themselves. It is surely better, then, to place each school at once under the care of those most interested in its conduct. In this way the Literary fund is left untouched to complete at once the whole system of education, by establishing a college in every district of about eighty miles square, for the second grade of education, to wit: languages, ancient and modern, and for the third grade a single University, in which the sciences shall be taught in their highest degree.

I should apologize, perhaps, for the style of this bill. I dislike the verbose and intricate style of the English statutes, and in our revised code I endeavored to restore it to the simple one of the ancient

statutes, in such original bills as I drew in that work. I suppose the reformation has not been acceptable, as it has been little followed. You, however, can easily correct this bill to the taste of my brother lawyers, by making every other word a "said" or "aforesaid," and saying everything over two or three times, so that nobody but we of the craft can untwist the diction, and find out what it means; and that, too, not so plainly but that we may conscientiously divide one half on each side. Mend it, therefore, in form and substance to the orthodox taste, and make it what it should be; or, if you think it radically wrong, try something else, and let us make a beginning in some way. No matter how wrong, experience will amend it as we go along, and make it effectual in the end.

I shall see you of course at our stated visitation, and hope all the gentlemen will consider Monticello as the rendezvous of the preceding day or evening.

I salute you with friendship and respect.

To Joseph C. Cabell.

An Act for Establishing Elementary Schools.

1. Be it enacted by the General Assembly of Virginia, that at the first session of the Superior Court in every county within this commonwealth, next ensuing the passage of this act, the judge thereof shall appoint three discreet and well-informed persons, residents of the county, and not being minis-

ters of the gospel [1] of any denomination, to serve as Visitors of the Elementary Schools in the said county; of which appointment the sheriff shall, within fifteen days thereafter, deliver a certificate, under the hand of the clerk of the said court, to each of the persons so appointed.

2. The said Visitors shall meet at the court-house of their county on the first county court day after they shall have received notice of their appointment, and afterwards at such times and places as they, or any two of them, with reasonable notice to the third, shall have agreed; and shall proceed to divide their county into wards,[2] by metes and bounds so designated as to comprehend each, about the number of militia sufficient for a company, and so also as not to divide, and throw into different wards [3]

[1] § 1. Ministers of the Gospel are excluded to avoid jealousy from the other sects, were the public education committed to the ministers of a particular one; and with more reason than in the case of their exclusion from the legislative and executive functions.

[2] § 2. This designation of the size of a ward is founded on these considerations: 1st. That the population which furnishes a company of militia will generally about furnish children enough for a school. 2d. That in most instances, at present, the militia captaincies being laid off compactly by known and convenient metes and bounds, many will be adopted without change, and others will furnish a canvass to work on and to reform. 3d. That these wards once established, will be found convenient and salutary aids in the administration of government, of which they will constitute the organic elements, and the first integral members in the composition of the military.

[3] § 3. The prohibition to place among different wards the lands of a single individual, held in a body, is, 1st. To save the proprietor from the perplexity of multiplied responsibilities; and 2. To prevent arbitrary and inconsistent apportionments, by different wardens, of the comparative values of the different portions of his lands in their respective wards.

the lands of any one person held in one body; which division into wards shall, within six months from the date of their appointment, be completely designated, published, and reported, by their metes and bounds, to the office of the clerk of the Superior Court, there to be recorded, subject, however, to such alterations, from time to time afterwards, as changes of circumstances shall, in the opinion of the said Visitors or their successors, with the approbation of the said court, render expedient.

3. The original division into wards being made, the Visitors shall appoint days for the first meeting of every ward, at such place as they shall name within the same, of which appointment notice shall be given at least two weeks before the day of meeting, by advertisement at some public place within the ward, requiring every free, white male citizen, of full age, resident within the ward, to meet at the place, and by the hour of twelve of the day so appointed, at which meeting some one of the Visitors shall also attend, and a majority of the said warders being in attendance, the Visitor present shall propose to them to decide by a majority of their votes, —1. The location of a school-house for the ward, and a dwelling-house for the teacher, (the owner of the ground consenting thereto). 2. The size and structure of the said houses; and 3. Whether the same shall be built by the joint labor of the warders, or by their pecuniary contributions; and also 4. To elect by a plurality of their votes a

warden, resident, who shall direct and superintend the said buildings, and be charged with their future care.

4. And if they decide that the said buildings[1] shall be erected by the joint labor of the warders, then all persons within the said ward liable to work in the highways, shall attend at the order of the warden, and, under his direction, shall labor thereon until completed, under the same penalties as provided by law to enforce labor on the highways. And if they decide on erection by pecuniary contributions, the residents and owners of property within the ward shall contribute toward the cost, each in proportion to the taxes they last paid to the State for their persons and for the same property: of which the sheriff or commissioners shall furnish a statement to the warden, who, according to the ratio of that statement, shall apportion and assess the quota of contribution for each, and be authorized to demand, receive, and apply the same to the purposes of the contribution, and to render account thereof, as in all other his pecuniary transactions for the school, to the Visitors; and on failure of payment by any contributor, the sheriff, on the

[1] § 4. It is presumed that the wards will generally build such log-houses for the school and teacher as they now do, and will join force and build them themselves, experience proving them to be as comfortable as they are cheap. Nor would it be advisable to build expensive houses in the country wards, which, from changes in their population, will be liable to changes of their boundaries and consequent displacements of their centre, drawing with it a removal of their school-house. In towns, better houses may be more safely built, or rented for both purposes.

order of the warden, shall collect and render the same under like powers and regulations as provided for the collection of the public taxes. And in every case it shall be the duty of the warden to have the buildings completed within six months from the date of his election.

5. It shall be the duty of the said Visitors to seek and to employ for every ward,[1] whenever the number and ages of its children require it, a person of

[1] § 5. Estimating eight hundred militia to a county, there will be twelve captaincies or wards in a county on an average. Suppose each of these, three years in every six, to have children enough for a school, who have not yet had three years' schooling; such a county will employ six teachers, each serving two wards by alternate terms. These teachers will be taken from the laboring classes, as they are now, to wit: from that which furnishes mechanics, overseers and tillers of the earth; and they will chiefly be the cripples, the weakly and the old, of that class, who will have been qualified for these functions by the ward schools themselves. If put on a footing then, for wages and subsistence, with the young and the able of their class, they will be liberally compensated; say with one hundred and fifty dollars wages and the usual allowance of meat and bread. The subsistence will probably be contributed in kind by the warders, out of their family stock. The wages alone will be a pecuniary tax of about nine hundred dollars. To a county, this addition would be of about one-fifth of the taxes we now pay to the State, or about one-fifth of one per cent. on every man's taxable property; if tax can be called that which we give to our children in the most valuable of all forms, that of instruction. Were those schools to be established on the public funds, and to be managed by the Governor and Council, or the commissioners of the Literary fund, brick houses to be built for the schools and teachers, high wages and subsistence given them, they would be badly managed, depraved by abuses, and would exhaust the whole Literary fund. While under the eye and animadversion of the wards, and the control of the wardens and Visitors, economy, diligence, and correctness of conduct, will be enforced, the whole Literary fund will be spared to complete the general system of education, by colleges in every district for instruction in the languages, and an university for the whole of the higher sciences;

good moral character, qualified to teach reading, writing, numeral arithmetic and geography, whose subsistence shall be furnished by the residents and proprietors of the ward, either in money or in kind, at the choice of each contributor, and in the ratio of their public taxes, to be apportioned and levied as on the failures before provided for. The teacher shall also have the use of the house and accommodations provided for him, and shall moreover receive annually such standing wages as the Visitors shall have determined to be proportioned on the residents and proprietors of the ward, and to be paid, levied and applied as before provided in other cases of pecuniary contribution.

and this, by an addition to our contributions almost insensible, and which, in fact, will not be felt as a burden, because applied immediately and visibly to the good of our children.

A question of some doubt might be raised on the latter part of this section, as to the rights and duties of society towards its members, infant and adult. Is it a right or a duty in society to take care of their infant members in opposition to the will of the parent? How far does this right and duty extend?—to guard the life of the infant, his property, his instruction, his morals? The Roman father was supreme in all these: we draw a line, but where?—public sentiment does not seem to have traced it precisely. Nor is it necessary in the present case. It is better to tolerate the rare instance of a parent refusing to let his child be educated, than to shock the common feelings and ideas by the forcible asportation and education of the infant against the will of the father. What is proposed here is to remove the objection of expense, by offering education gratis, and to strengthen parental excitement by the disfranchisement of his child while uneducated. Society has certainly a right to disavow him whom they offer, and are not permitted to qualify for the duties of a citizen. If we do not force instruction, let us at least strengthen the motives to receive it when offered.

6. At this school shall be received and instructed gratis, every infant of competent age who has not already had three years' schooling. And it is declared and enacted, that no person unborn or under the age of twelve years at the passing of this act, and who is *compos mentis*, shall, after the age of fifteen years, be a citizen of this commonwealth until he or she can read readily in some tongue, native or acquired.

7. To keep up a constant succession of Visitors, the judge of the Superior Court of every county shall at his first session in every bissextile year, appoint Visitors as before characterized, either the same or others, at his discretion. And in case of the death or resignation of any Visitor during the term of his appointment, or of his removal by the said judge for good cause, moral or physical, he shall appoint another to serve until the next bissextile appointment. Which Visitors shall have their first meeting at their court-house on the county court day next ensuing their appointment, and afterwards at such times and places as themselves or any two of them with reasonable notice to the third shall agree. But the election of wardens shall be annually, at the first meeting of the ward after the month of March, until which election the warden last elected shall continue in office.

8. All ward meetings shall be at their school-house, and on a failure of the meeting of a majority of the wardens on the call of a Visitor, or of their

warden, such Visitor or warden may call another meeting.

9. At all times when repairs or alterations of the buildings before provided for shall be wanting, it shall be the duty of the warden or of a Visitor, to call a ward meeting and to take the same measures towards such repairs or alterations as are herein before authorized for the original buildings.

10. When, on the application of any warden, authorized thereto by the vote of his ward, the judge of the Superior Court shall be of opinion that the contributors of any particular ward are disproportionably and oppressively overburdened with an unusual number of children of non-contributors of their ward, he may direct an order to the county court to assess in their next county levy the whole or such part of the extra burden as he shall think excessive and unreasonable, to be paid to the warden for its proper use, to which order the said county court is required to conform.

11. The said teachers shall, in all things relating to the education and government of their pupils, be under the direction and control of the Visitors; but no religious reading, instruction or exercise, shall be prescribed or practiced inconsistent with the tenets of any religious sect or denomination.

12. Some one of the Visitors, once in every year at least, shall visit the several schools: shall inquire into the proceedings and practices thereat: shall examine the progress of the pupils, and give to

those who excel in reading, in writing, in arithmetic, or in geography, such honorary marks and testimonies of approbation, as may encourage and excite to industry and emulation.

13.[1] All decisions and proceedings of the Visitors relative to the original designation of wards at any time before the buildings are begun, or changes of wards at any time after, to the quantum of subsistence, or wages allowed to the teacher, and to the rules prescribed to him for the education and government of his pupils, shall be subject to be controlled and corrected by the judge of the Superior Court of the county, on the complaint of any individual aggrieved or interested.

And for the establishment of colleges whereat the youth of the commonwealth may, within convenient distances from their homes, receive a higher grade of education,

14. Be it further enacted as follows: The several counties of this commonwealth shall be distributed into nine collegiate districts, whereof one shall be composed of the counties of Accomac, Northampton, Lancaster, Richmond, Westmoreland, Middlesex, Essex, Matthews, Gloucester, King and Queen, King William, Elizabeth City, Warwick, York, James City, New Kent, and Charles City; one other of the counties of Princess Anne, Norfolk, Norfolk borough, Nansemond, Isle of Wight, Southampton,

[1] Sections 14 to 42 inclusive were omitted from the Congressional Edition of Jefferson's writings.

Surry, Prince George, Sussex, and Greeneville; one other of the counties of Fairfax, Loudon, King George, Stafford, Prince William, Fauquier, Culpeper, Madison, Caroline, and Spotsylvania; one other of the counties of Hanover, City of Richmond, Goochland, Louisa, Fluvanna, Powhatan, Cumberland, Buckingham, Orange, Albemarle, Nelson, Amherst, Augusta, and Rockbridge; one other of the counties of Chesterfield, town of Petersburg, Dinwiddie, Brunswick, Amelia, Nottoway, Lunenburg, Mecklenburg, Prince Edward, Charlotte, and Halifax; one other of the counties of Campbell, Pittsylvania, Bedford, Franklin, Henry, Patrick, Botetourt, and Montgomery; one other of the counties of Frederick, Jefferson, Berkeley, Hampshire, Shenandoah, Hardy, Rockingham, and Pendleton; one other of the counties of Monongalia, Brooke, Ohio, Randolph, Harrison, Wood, and Mason; and one other of the counties of Bath, Greenbriar, Kanawha, Cabell, Giles, Monroe, Tazewell, Wythe, Grayson, Washington, Russell, and Lee.

15. Within three months after the passing of this act, the president and directors of the literary fund, who shall henceforth be called the Board of Public Instruction, shall appoint one fit person in every county, in each of the districts, who, with those appointed in the other counties in the same district, shall compose the Board of Visitors for the college of that district; and shall, within four months

after passing this act, cause notice to be given to each individual so appointed, prescribing to them a day, within one month thereafter, and a place within their district, for their first meeting, with supplementary instructions for procuring a meeting subsequently, in the event of failure at the time first appointed.

16. The said Visitors, or so many of them as, being a majority, shall attend, shall appoint a rector, of their own body, who shall preside at their meetings, and a secretary to record and preserve their proceedings; and shall proceed to consider of the site for a college most convenient for their district, having regard to the extent, population and other circumstances, and within the term of six months from the passing of this act shall report the same to the Board of Public Instruction, with the reasons on which each site is preferred; and if any minority of two or more members prefer any other place, the same shall be reported, with the reasons for and against the same.

17. Within seven months after the passing of this act the said Board of Public Instruction shall determine on such of the sites reported as they shall think most eligible for the college of each district, shall notify the same to the said Visitors, and shall charge them with the office of obtaining from the proprietor with his consent, the proper grounds for the building, and its appurtenances, either by donation or purchase; or if his consent, on reason-

able terms, cannot be obtained, the clerk of the county, wherein the site is, shall, on their request, issue and direct to the sheriff of the same county a writ of ad quod damnum, to ascertain by a jury the value of the grounds selected, and to fix their extent by metes and bounds, so, however, as not to include the dwelling house, or buildings appurtenant, the curtilege, gardens or orchards of the owner; which writ shall be executed according to the ordinary forms prescribed by law in such cases; and shall be returned to the same clerk to be recorded: Provided, that in no case, either of purchase or valuation by a jury, more grounds be located than of the value of $500; which grounds, if by donation or purchase, by the deed of the owner, or if by valuation of a jury, shall, by their inquest, become vested in the said Board of Public Instruction, as trustees for the commonwealth, and for the uses and purposes of a college of instruction.

18. On each of the sites so located shall be erected one or more substantial buildings—the walls of which shall be of brick or stone, with two school rooms, and four rooms for the accommodation of the professors, and with sixteen dormitories in or adjacent to the same, each sufficient for two pupils, and in which no more than two shall be permitted to lodge, with a fire place in each, and the whole in a comfortable and decent style, suitable to their purpose.

19. The plan of the said buildings, and their

appurtenances, shall be furnished or approved by the said Board of Public Instruction, and that of the dormitories shall be such as may conveniently receive additions from time to time. The Visitors shall have all the powers which are necessary and proper for carrying them into execution, and shall proceed in their execution accordingly. Provided, that in no case shall the whole cost of the said buildings and appurtenances of any one college exceed the sum of $7,500.

20. The college of the district first in this act described, to wit: of Accomac, etc., shall be called the Wythe College, or the College of the District of Wythe; that of the second description, to wit: Princess Anne, etc., shall be called the ————————; that of the third description, to wit: Fairfax, etc., shall be called the ———————— ; that of the fourth description, to wit: Hanover, etc., shall be called the ————————; that of the fifth description, to wit: Chesterfield, etc., shall be called the ————————; that of the sixth description, to wit: Campbell, etc., shall be called ————————; that of the seventh description, to wit: Frederick, etc., shall be called the ————————; that of the eighth description, to wit: Monongalia, etc., shall be called the ————————; and that of the ninth description, to wit: Bath, etc., shall be called the ————————.

21. In the said colleges shall be taught the Greek, Latin, French, Spanish, Italian and German languages, English grammar, geography, ancient and

modern, the higher branches of numerical arithmetic, the mensuration of land, the use of the globes, and the ordinary elements of navigation.

22. To each of the said colleges shall be appointed two professors, the one for teaching Greek, Latin, and such other branches of learning, before described, as he may be qualified to teach, and the other for the remaining branches thereof, who shall each be allowed the use of the apartments provided for him, and a standing salary of $500 yearly, to be drawn from the literary fund, with such tuition fee from each pupil as the Visitors shall establish.

23. The said Visitors shall be charged with the preservation and repair of the buildings, the care of the ground and appurtenances for which, and other necessary purposes, they may employ a steward and competent laborers; they shall have power to appoint and remove the professors, to prescribe their duties, and the course of education to be pursued; they shall establish rules for the government and discipline of the pupils, for their sustenance and board, if boarded in the college, and for their accommodations, and the charges to which they shall be subject for the same, as well as the rent for the dormitories they occupy. They may draw from the literary fund such moneys as are hereby charged on it for their institution. And, in general, they shall direct and do all matters and things which, not being inconsistent with the laws of the land, to them shall seem most expedient for

promoting the purposes of the said institution; which several functions may be exercised by them in the form of by-laws, resolutions, orders, instructions, or otherwise, as they shall deem proper.

24. The rents of the dormitories, the profits of boarding the pupils, donations and other occasional resources shall constitute the fund, and shall be at their disposal for the necessary purposes of the said institution, and not otherwise provided for; and they shall have authority to draw on the said Board of Public Instruction for the purchase or valuation money of the site of their college, for the cost of the buildings and improvements authorized by law, and for the standing salaries of the professors herein allowed—for the administration of all which they may appoint a bursar.

25. They shall have two stated meetings in the year, at their college, on the first Mondays of April and October, and occasional meetings at the same place, and at such other times, as they shall appoint; giving due notice thereof to every individual of their board.

26. A majority of them shall constitute a quorum for business, and on the death or resignation of a member or on his removal by the Board of Public Instruction, or out of the county from which he was appointed, the said Board shall appoint a successor, resident in the same county.

27. The Visitors of every collegiate district shall be a body politic and corporate, to be called the

Visitors of the College, by name, for which they are appointed, with capacity to plead, or be impleaded, in all courts of justice, and in all cases interesting to their college, which may be subject of legal cognizance and jurisdiction, which pleas shall not abate by the determination of their office of all or any of them, but shall stand revived in the name of their successors; and they shall be capable in law, and in trust for their college, of receiving subscriptions and donations, real and personal, as well from bodies corporate, or persons associated, as from private individuals.

28. Some member, or members, of the Board of Visitors, to be nominated by the said Board, or such other persons as they shall nominate, shall, once in every year, at least, visit the college of their district, enquire into the proceedings and practices thereat, examine the progress of the pupils, and give to those who excel in any branch of learning prescribed for the college, such honorary marks and testimonies of approbation as may encourage or excite to industry and emulation.

29. The decisions and proceedings of the said Board of Visitors shall be subject to control and correction by the Board of Public Instruction, either on the complaint of any individual, aggrieved or interested, or on the proper motion of the said Board.

30. On every 29th day of February, or, if that be Sunday, then on the next or earliest day there-

after, on which a meeting can be effected, the Board of Public Instruction shall be in session, and shall appoint, in every county of each district, a Visitor, resident therein, either the same before appointed, or another, at their discretion, to serve until the next ensuing 29th of day February, duly and timely notifying to them their appointment, and prescribing a day for their first meeting at the college of their district, after which, their stated meetings shall be at their college, on the first Mondays of April and October, annually; and their occasional meetings at the same place, and at such times as themselves shall appoint, due notice thereof being given to every member of their board.

Utrum horum?

And for establishing in a central and healthy part of the State an University wherein all the branches of useful science may be taught, Be it enacted as follows:

31. Within the limits of the county of ——— there shall be established an University, to be called the University of Virginia; and so soon as may be after the passage of this act the Board of Public Instruction shall appoint eight fit persons to constitute the Board of Visitors for the said University; and shall forthwith give notice to each individual so appointed, prescribing to them a day for their first meeting at the court-house of the said

And for establishing in a central and healthy part of the State an University wherein all the branches of useful science may be taught, Be it further enacted as follows:

31. Whensoever the Visitors of the Central College in Albemarle, authorized thereto by the consent in writing of the subscribers of the major part of the amount subscribed to that institution, shall convey or cause to be conveyed to the Board of Public Instruction, for the use of this commonwealth, all the lands, buildings, property and rights of the said college in possession, in interest, or in action, (save only so much as may dis-

county, with supplementary instructions for procuring a meeting subsequently in the event of failure at the first time appointed.

charge their engagements then existing,) the same shall be thereupon vested in this commonwealth, and shall be appropriated to the institution of an University to be called the University of Virginia, which shall be established on the said lands. The said Board of Public Instruction shall thereupon forthwith appoint eight fit persons who shall compose the Board of Visitors for the government of the University, notifying thereof the persons so appointed, and prescribing to them a day for their first meeting at Charlottesville, with supplementary instructions for procuring a meeting subsequently in the event of failure at the time first appointed.

32. The said Visitors, or so many of them as, being a majority, shall attend, shall appoint a rector of their own body, who shall preside at their meetings, and a secretary to record and preserve their proceedings, and shall proceed to enquire into and select the most eligible site for the University, and to obtain from the proprietor, with his consent, the proper grounds for the buildings and appurtenances, either by donation or purchase, or, if his consent on reasonable terms cannot be obtained, the clerk of the county shall, on their request, issue and direct to the sheriff of the county a writ of ad quod damnum to ascertain by a jury the value of the grounds

32. The said Visitors, or so many of them, as, being a majority, shall attend, shall appoint a rector of their own body to preside at their meetings, and a secretary to record and preserve their proceedings, and shall proceed to examine into the state of the property conveyed as aforesaid, shall make an inventory of the same, specifying the items whereof it consists, shall notice the buildings and other improvements already made, and those which are in progress, shall take measures for their completion, shall consider what others may be necessary in addition, and of the best plan for effecting the same, with estimates of the probable cost, and shall make report

selected, and to fix their extent by metes and bounds, so however as not to include the dwelling house or buildings appurtenant, the curtilage, gardens or orchards of the owner; which writ shall be executed according to the ordinary forms prescribed by the law in such cases, and shall be returned to the same clerk to be recorded: Provided, That in no case, either of purchase or valuation by a jury, shall more grounds be located than of the value of $2,000; which grounds, if by donation or purchase, shall, by the deed of the owner, or if by valuation of a jury, shall by their inquest, become vested in the Board of Public Instruction aforesaid, as trustees for the commonwealth for the uses and purposes of an University.

33. A plan of the buildings and appurtenances necessary and proper for an University being furnished or approved by the Board of Public Instruction, in which that of the dormitories shall be such as may conveniently admit additions from time to time, the Visitors shall have all the powers which shall be necessary and proper for carrying them into execution, and shall proceed in their execution accordingly.

of the whole to the said Board of Public Instruction, which is authorized to approve, negative or modify any of the measures so proposed by the said Visitors.

33. The said measures being approved or modified, the Visitors shall have all the powers relative thereto which shall be necessary or proper for carrying them into execution and shall proceed in their execution accordingly.

34. In the said University shall be taught history and geography, ancient and modern; natural philosophy, agriculture, chemistry and the theories of

medicine; anatomy, zoology, botany, mineralogy and geology; mathematics, pure and mixed; military and naval science; ideology, ethics, the law of nature and of nations; law, municipal and foreign; the science of civil government and political economy; languages, rhetoric, belles lettres, and the fine arts generally; which branches of science shall be so distributed and under so many professorships, not exceeding ten, as the Visitors shall think most proper.

35. Each professor shall be allowed the use of the apartments and accommodations provided for him, and such standing salary, not exceeding $1,000 yearly, as the Visitors shall think proper, to be drawn from the literary fund, with such tuition fees from the students as the Visitors shall establish.

36. The said Visitors shall be charged with the erection, preservation and repair of the buildings, the care of the grounds and appurtenances, and of the interests of the University generally; they shall have power to appoint a bursar, employ a steward and all other necessary agents; to appoint and remove professors; to prescribe their duties, and the course of education to be pursued; to establish rules for the government and discipline of the students, for their subsistence, board and accommodations, if boarded by the University, and the charges to which they shall be subject for the same, as well as for the dormitories they occupy; to provide and control the duties and proceedings

of all officers, servants and others, with respect to the buildings, land, appurtenances, and other property and interests of the University; to draw from the literary fund such moneys as are hereby charged on it for this institution; and in general to direct and do all matters and things which, not being inconsistent with the laws of the land, to them shall seem most expedient for promoting the purposes of the said institution; which several functions may be exercised by them in the form of by-laws, rules, resolutions, orders, instructions, or otherwise, as they shall deem proper.

37. They shall have two stated meetings in the year, to wit: on the first Mondays in April and October, and occasional meetings at such other times as they shall appoint, due notice thereof being given to every individual of their Board, which meetings shall be held at the said University; and on the death or resignation of a member, or on his removal by the Board of Public Instruction, or change of habitation to a greater than his former distance from the University, the said Board shall appoint a successor.

38. The Visitors of the said University shall be a body politic and corporate under the style and title of the Visitors of the University of Virginia with capacity to plead or be impleaded in all courts of justice, and in all cases interesting to their college, (sic) which may be the subjects of legal cognizance and jurisdiction, which pleas shall not abate by the

determination of their office, but shall stand revived in the name of their successors; and they shall be capable in law, and in trust for their college, of receiving subscriptions and donations, real and personal, as well from bodies corporate or persons associated, as from private individuals.

39. Some member or members of the Board of Visitors, to be nominated by the said Board, or such other person as they shall nominate, shall, once in every year at least, visit the said University, enquire into the proceedings and practices thereat, examine the progress of the students, and give to those who excel in any branch of science there taught such honorary marks and testimonies of approbation as may encourage and excite to industry and emulation.

40. All decisions and proceedings of the Visitors shall be subject to control and direction by the Board of Public Instruction, either on the complaint of any individual aggrieved or interested, or on the proper motion of the said Board.

41. On every 29th day of February, or, if that be Sunday, then on the next or earliest day thereafter on which a meeting can be effected, the said Board of Public Instruction shall in be session, and shall appoint Visitors for the said University, either the same or others, at their discretion, to serve until the 29th day of February next ensuing, duly and timely notifying to them their appointment, and prescribing a day for their first meeting at the

University, after which their stated meetings shall be on the first Mondays of April and October annually, and their occasional meetings at the same place, and at such times as themselves shall appoint, due notice thereof being given to every member of their Board.

(NOTE.—If the Central College be adopted for the University, the following section may be added: "Provided, that nothing in this act contained shall suspend the proceedings of the Visitors of the said Central College of Albemarle; but, for the purpose of expediting the objects of the said institution, they shall be authorized, under the control of the Board of Public Instruction, to continue the exercise of their functions until the first meeting of the Visitors of the University.")

And to avail the commonwealth of those talents and virtues which nature has sown as liberally among the poor as rich, and which are lost to their country by the want of means for their cultivation, Be it further enacted as follows:

42. On the 29th day of February, or, if that be Sunday, then on the next day, the Visitors of the ward-schools in every county shall meet at the court-house of their county, and after the most diligent and impartial observation and enquiry of the boys who have been three years at the ward-schools, and whose parents are too poor to give them a collegiate education, shall select from among them some one of the most promising and sound under-

standing, who shall be sent to the first meeting of the Visitors of their collegiate district, with such proofs as the case requires and admits, for the examination and information of that Board; who, from among the candidates so offered from the several counties of their district, shall select two of the most sound and promising understanding, who shall be admitted to their college, and there be maintained and educated five years at the public expense, under such rules and limitations as the Board of Public Instruction shall prescribe; and at the end of the said five years the said Collegiate Visitors shall select that one of the two who shall, on their most diligent and impartial enquiry and best information, be adjudged by them to be of the most sound and promising understanding and character, and most improved by their course of education, who shall be sent on immediately thereafter to the University, there to be maintained and educated in such branches of the sciences taught there as are most proper to qualify him for the calling to which his parents or guardians may destine him; and to continue at the said University three years at the public expense, under such rules and limitations as the Board of Public Instruction shall prescribe. And the expenses of the persons so to be publicly maintained and educated at the colleges and University shall be drawn by their respective Visitors from the literary fund.

The solemn Declaration and Protest of the Commonwealth of Virginia, on the Principles of the Constitution of the United States of America, and on the Violations of them.

We, the General Assembly of Virginia, on behalf, and in the name of the people thereof, do declare as follows:

The States in North America which confederated to establish their independence of the government of Great Britain, of which Virginia was one, became, on that acquisition, free and independent States, and as such, authorized to constitute governments, each for itself, in such form as it thought best.

They entered into a compact, (which is called the Constitution of the United States of America,) by which they agreed to unite in a single government as to their relations with each other, and with foreign nations, and as to certain other articles particularly specified. They retained at the same time, each to itself, the other rights of independent government, comprehending mainly their domestic interests.

For the administration of their federal branch, they agreed to appoint, in conjunction, a distinct set of functionaries, legislative, executive, and judiciary, in the manner settled in that compact: while to each, severally, and of course, remained its original right of appointing, each for itself, a separate set of functionaries, legislative, executive, and judiciary, also, for administering the domestic branch of their respective governments.

These two sets of officers, each independent of the other, constitute thus a *whole* of government, for each State separately; the powers ascribed to the one, as specifically made federal, exercised over the whole, the residuary powers, retained to the other, exercisable exclusively over its particular State, foreign herein, each to the others, as they were before the original compact.

To this construction of government and distribution of its powers, the Commonwealth of Virginia does religiously and affectionately adhere, opposing, with equal fidelity and firmness, the usurpation of either set of functionaries on the rightful powers of the other.

But the federal branch has assumed in some cases, and claimed in others, a right of enlarging its own powers by constructions, inferences, and indefinite deductions from those directly given, which this assembly does declare to be usurpations of the powers retained to the independent branches, mere interpolations into the compact, and direct infractions of it.

They claim, for example, and have commenced the exercise of a right to construct roads, open canals, and effect other internal improvements within the territories and jurisdictions exclusively belonging to the several States, which this assembly does declare has not been given to that branch by the constitutional compact, but remains to each State among its domestic and unalienated powers, exercisable within itself and by its domestic authorities alone.

This assembly does further disavow and declare to be most false and unfounded, the doctrine that the compact, in authorizing its federal branch to lay and collect taxes, duties, imposts and excises to pay the debts and provide for the common defence and general welfare of the United States, has given them thereby a power to do whatever *they* may think, or pretend, would promote the general welfare, which construction would make that, of itself, a complete government, without limitation of powers; but that the plain sense and obvious meaning were, that they might levy the taxes necessary to provide for the general welfare, by the various acts of power therein specified and delegated to them, and by no others.

Nor is it admitted, as has been said, that the people of these States, by not investing their federal branch with all the means of bettering their condition, have denied to themselves any which may effect that purpose; since, in the distribution of these means they have given to that branch those which belong to its department, and to the States have reserved separately the residue which belong to them separately. And thus by the organization of the two branches taken together, have completely secured the first object of human association, the full improvement of their condition, and reserved to themselves all the faculties of multiplying their own blessings.

Whilst the General Assembly thus declares the

rights retained by the States, rights which they have never yielded, and which this State will never voluntarily yield, they do not mean to raise the banner of disaffection, or of separation from their sister States, co-parties with themselves to this compact. They know and value too highly the blessings of their Union as to foreign nations and questions arising among themselves, to consider every infraction as to be met by actual resistance. They respect too affectionately the opinions of those possessing the same rights under the same instrument, to make every difference of construction a ground of immediate rupture. They would, indeed, consider such a rupture as among the greatest calamities which could befall them; but not the greatest. There is yet one greater, submission to a government of unlimited powers. It is only when the hope of avoiding this shall become absolutely desperate, that further forebearance could not be indulged. Should a majority of the co-parties, therefore, contrary to the expectation and hope of this assembly, prefer, at this time, acquiescence in these assumptions of power by the federal member of the government, we will be patient and suffer much, under the confidence that time, ere it be too late, will prove to them also the bitter consequences in which that usurpation will involve us all. In the meanwhile, we will breast with them, rather than separate from them, every misfortune, save that only of living under a government of unlimited

powers. We owe every other sacrifice to ourselves, to our federal brethren, and to the world at large, to pursue with temper and perseverance the great experiment which shall prove that man is capable of living in society, governing itself by laws self-imposed, and securing to its members the enjoyment of life, liberty, property, and peace; and further to show, that even when the government of its choice shall manifest a tendency to degeneracy, we are not at once to despair but that the will and the watchfulness of its sounder parts will reform its aberrations, recall it to original and legitimate principles, and restrain it within the rightful limits of self-government. And these are the objects of this Declaration and Protest.

Supposing then, that it might be for the good of the whole, as some of its co-States seem to think, that the power of making roads and canals should be added to those directly given to the federal branch, as more likely to be systematically and beneficially directed, than by the independent action of the several States, this commonwealth, from respect to these opinions, and a desire of conciliation with its co-States, will consent, in concurrence with them, to make this addition, provided it be done regularly by an amendment of the compact, in the way established by that instrument, and provided also, it be sufficiently guarded against abuses, compromises, and corrupt practices, not only of possible, but of probable occurrence.

And as a further pledge of the sincere and cordial attachment of this commonwealth to the union of the whole, so far as has been consented to by the compact called "The Constitution of the United States of America," (constructed according to the plain and ordinary meaning of its language, to the common intendment of the time, and of those who framed it;) to give also to all parties and authorities, time for reflection and for consideration, whether, under a temperate view of the possible consequences, and especially of the constant obstructions which an equivocal majority must ever expect to meet, they will still prefer the assumption of this power rather than its acceptance from the free will of their constituents; and to preserve peace in the meanwhile, we proceed to make it the duty of our citizens, until the legislature shall otherwise and ultimately decide, to acquiesce under those acts of the federal branch of our government which we have declared to be usurpations, and against which, in point of right, we do protest as null and void, and never to be quoted as precedents of right.

We therefore do enact, and be it enacted by the General Assembly of Virginia, that all citizens of this commonwealth, and persons and authorities within the same, shall pay full obedience at all times to the acts which may be passed by the Congress of the United States, the object of which shall be the construction of post roads, making canals of navigation, and maintaining the same in any

part of the United States, in like manner as if said acts were, *totidem verbis*, passed by the legislature of this commonwealth.

Thoughts on Lotteries. February, 1826.

It is a common idea that games of chance are immoral. But what is chance? Nothing happens in this world without a cause. If we know the cause, we do not call it chance; but if we do not know it, we say it was produced by chance. If we see a loaded die turn its lightest side up, we know the cause, and that it is not an effect of chance; but whatever side an unloaded die turns up, not knowing the cause, we say it is the effect of chance. Yet the morality of a thing cannot depend on our knowledge or ignorance of its cause. Not knowing why a particular side of an unloaded die turns up, cannot make the act of throwing it, or of betting on it, immoral. If we consider games of chance immoral, then every pursuit of human industry is immoral; for there is not a single one that is not subject to chance, not one wherein you do not risk a loss for the chance of some gain. The navigator, for example, risks his ship in the hope (if she is not lost in the voyage) of gaining an advantageous freight. The merchant risks his cargo to gain a better price for it. A landholder builds a house on the risk of indemnifying himself by a rent. The hunter hazards his time and trouble in the hope of killing game. In all these pursuits, you take some

one thing against another which you hope to win. But the greatest of all gamblers is the farmer. He risks the seed he puts into the ground, the rent he pays for the ground itself, the year's labor on it, and the wear and tear of his cattle and gear, to win a crop, which the chances of too much or too little rain, and general uncertainties of weather, insects, waste, etc., often make a total or partial loss. These, then, are games of chance. Yet so far from being immoral, they are indispensable to the existence of man, and every one has a natural right to choose for his pursuit such one of them as he thinks most likely to furnish him subsistence. Almost all these pursuits of chance produce something useful to society. But there are some which produce nothing, and endanger the well-being of the individuals engaged in them, or of others depending on them. Such are games with cards, dice, billiards, etc. And although the pursuit of them is a matter of natural right, yet society, perceiving the irresistible bent of some of its members to pursue them, and the ruin produced by them to the families depending on these individuals, consider it as a case of insanity, *quoad hoc*, step in to protect the family and the party himself, as in other cases of insanity, infancy, imbecility, etc., and suppress the pursuit altogether, and the natural right of following it. There are some other games of chance, useful on certain occasions, and injurious only when carried beyond their useful bounds. Such are

insurances, lotteries, raffles, etc. These they do not suppress, but take their regulation under their own discretion. The insurance of ships on voyages is a vocation of chance, yet useful, and the right to exercise it therefore is left free. So of houses against fire, doubtful debts, the continuance of a particular life, and similar cases. Money is wanting for a useful undertaking, as a school, etc., for which a direct tax would be disapproved. It is raised therefore by a lottery, wherein the tax is laid on the willing only, that is to say, on those who can risk the price of a ticket without sensible injury for the possibility of a higher prize. An article of property, insusceptible of division at all, or not without great diminution of its worth, is sometimes of so large value as that no purchaser can be found while the owner owes debts, has no other means of payment, and his creditors no other chance of obtaining it but by its sale at a full and fair price. The lottery is here a salutary instrument for disposing of it, where many run small risks for the chance of obtaining a high prize. In this way the great estate of the late Colonel Byrd (in 1756) was made competent to pay his debts, which, had the whole been brought into the market at once, would have overdone the demand, would have sold at half or quarter the value, and sacrificed the creditors, half or three-fourths of whom would have lost their debts. This method of selling was formerly very much resorted to, until it was thought to nourish

too much a spirit of hazard. The legislature were therefore induced not to suppress it altogether, but to take it under their own special regulation. This they did for the first time by their act of 1769, c. 17, before which time every person exercised the right freely; and since which time, it is made unlawful but when approved and authorized by a special act of the legislature.

Since then this right of sale, by way of lottery, has been exercised only under the jurisdiction of the legislature. Let us examine the purposes for which they have allowed it in practice, not looking beyond the date of our independence.

1. It was for a long time an item of the standing revenue of the State.

1813. c. 1, § 3. An act imposing taxes for the support of government, and c. 2, § 10.
1814. Dec. c. 1, § 3. 1814. Feb. c. 1, § 3. 1818. c. 1, § 1.
1819. c. 1. 1820. c. 1.

This, then, is a declaration by the nation, that an act was not immoral, of which they were in the habitual use themselves as a part of the regular means of supporting the government; the tax on the vender of tickets was their share of the profits, and if their share was innocent, his could not be criminal.

2. It has been abundantly permitted to raise money by lottery for the purposes of schools; and

in this, as in many other cases, the lottery has been permitted to retain a part of the money (generally from ten to fifteen per cent.) for the use to which the lottery has been applied. So that while the adventurers paid one hundred dollars for tickets, they received back eighty-five or ninety dollars only in the form of prizes, the remaining ten or fifteen being the tax levied on them, with their own consent. Examples are,

1784. c. 34. Authorizing the city of Williamsburg to raise £2,000 for a grammar school.
1789. c. 68. For Randolph Academy, £1,000.
1789. c. 73. For Fauquier Academy, £500.
c. 74. For the Fredericksburg Academy, £4,000.
1790. c. 46. For the Transylvanian Seminary, £500.
46. For the Southampton Academy, £300.
1796. c. 82. For the New London Academy.
1803. c. 49. For the Fredericksburg Charity School.
c. 50. For finishing the Strasburg Seminary.
c. 58. For William and Mary College.
c. 62. For the Bannister Academy.
c. 79. For the Belfield Academy.
c. 82. For the Petersburg Academy.
1804. c. 40. For the Hot Springs Seminary.
c. 76. For the Stevensburg Academy.
c. 100. For William and Mary College.
1805. c. 24. For the Rumford Academy.

1812. c. 10. For the Literary Fund. To sell the privilege for $30,000 annually, for seven years.

1816. c. 80. For Norfolk Academy, $12,000.
Norfolk Female Society, $2,000.
Lancastrian School, $6,000.

3. *The next object of lotteries has been rivers.*

1790. c. 46. For a bridge between Gosport and Portsmouth, £400.

1796. c. 83. For clearing Roanoke River.

1804. c. 62. For clearing Quantico Creek.

1805. c. 42. For a toll bridge over Cheat River.

1816. c. 49. For the Dismal Swamp, $50,000.

4. *For roads.*

1790. c. 46. For a road to Warminster, £200.
For cutting a road from Rockfish gap to Scott's and Nicholas's landing, £400.

1796. c. 85. To repair certain roads.[1]

1803. c. 60. For improving roads to Snigger's and Ashby's gaps.

c. 61. For opening a road to Brock's gap.

c. 65. For opening a road from the town of Monroe to Sweet Springs and Lewisburg.

c. 71. For improving the road to Brock's gap.

[1] The acts not being at hand, the sums allowed are not known.

1805. c. 5. For improving the road to Clarksburg.
c. 26. For opening a road from Monongalia Glades to Fishing Creek.
1813. c. 44. For opening a road from Thornton's gap.

5. *Lotteries for the benefit of counties.*

1796. c. 78. To authorize a lottery in the county of Shenandoah.
c. 84. To authorize a lottery in the county of Gloucester.

6. *Lotteries for the benefit of towns.*

1782. c. 31. Richmond, for a bridge over Shockoe, amount not limited.
1789. c. 75. Alexandria, to pave its streets, £1,500.
1790. c. 46. do. do. £5,000.
1796. c. 79. Norfolk, one or more lotteries authorized.
c. 81. Petersburg, a lottery authorized.
1803. c. 12. Woodstock, do.
c. 48. Fredericksburg, for improving its main street.
c. 73. Harrisonburg, for improving its streets.

7. *Lotteries for religious congregations.*

1785. c. 111. Completing a church in Winchester. For rebuilding a church in the parish of Elizabeth River.
1791. c. 69. For the benefit of the Episcopal society.

1790. c. 46. For building a church in Warminster, £200.
in Halifax, £200.
in Alexandria, £500.
in Petersburg, £750.
in Shepherdstown, £250.

8. *Lotteries for private societies.*

1790. c. 46. For the Amicable Society in Richmond, £1,000.

1791. c. 70. For building a Freemason's Hall in Charlotte, £750.

9. *Lotteries for the benefit of private individuals.* [*To raise money for them.*]

1796. c. 80. For the sufferers by fire in the town of Lexington.

1781. c. 6. For completing titles under Byrd's lottery.

1790. c. 46. To erect a paper mill in Staunton, £300.
To raise £2,000 for Nathaniel Twining.

1791. c. 73. To raise £4,000 for William Tatham, to enable him to complete his geographical work.
To enable ——— to complete a literary work.[1]

[1] I found such an act, but not noting it at the time, I have not been able to find it again. But there is such an one.

We have seen, then, that every vocation in life is subject to the influence of chance; that so far from being rendered immoral by the admixture of that ingredient, were they abandoned on that account, man could no longer subsist; that, among them, every one has a natural right to choose that which he thinks most likely to give him comfortable subsistence; but that while the greater number of these pursuits are productive of something which adds to the necessaries and comforts of life, others again, such as cards, dice, etc., are entirely unproductive, doing good to none, injury to many, yet so easy, and so seducing in practice to men of a certain constitution of mind, that they cannot resist the temptation, be the consequences what they may; that in this case, as in those of insanity, idiocy, infancy, etc., it is the duty of society to take them under its protection, even against their own acts, and to restrain their right of choice of these pursuits, by suppressing them entirely; that there are others, as lotteries particularly, which, although liable to chance also, are useful for many purposes, and are therefore retained and placed under the discretion of the legislature, to be permitted or refused according to the circumstances of every special case, of which they are to judge; that between the years 1782 and 1820, a space of thirty-eight years only, we have observed seventy cases, where the permision of them has been found useful, by the legislature, some of which are in progress at

this time. These cases relate to the emolument of the whole State, to local benefits of education, of navigation, of roads, of counties, towns, religious assemblies, private societies, and of individuals under particular circumstances which may claim indulgence or favor. The latter is the case now submitted to the legislature, and the question is, whether the individual soliciting their attention, or his situation, may merit that degree of consideration which will justify the legislature in permitting him to avail himself of the mode of selling by lottery, for the purpose of paying his debts.

That a fair price cannot be obtained by sale in the ordinary way, and in the present depressed state of agricultural industry, is well known. Lands in this State will now sell for more than a third or fourth of what they would have brought a few years ago, perhaps at the very time of the contraction of the debts for which they are now to be sold. The low price in foreign markets, for a series of years past, of agricultural produce, of wheat generally, of tobacco most commonly, and the accumulation of duties on the articles of consumption not produced within our State, not only disable the farmer or planter from adding to his farm by purchase, but reduces him to sell his own, and remove to the western country, glutting the market he leaves, while he lessens the number of bidders. To be protected against this sacrifice is the object of the present application, and whether the applicant has any

particular claim to this protection, is the present question.

Here the answer must be left to others. It is not for me to give it. I may, however, more readily than others, suggest the offices in which I have served. I came of age in 1764, and was soon put into the nomination of justice of the county in which I live, and at the first election following I became one of its representatives in the legislature.

I was thence sent to the old Congress.

Then employed two years with Mr. Pendleton and Mr. Wythe, on the revisal and reduction to a single code of the whole body of the British statutes, the acts of our Assembly, and certain parts of the common law.

Then elected Governor.

Next to the Legislature, and to Congress again.

Sent to Europe as Minister Plenipotentiary.

Appointed Secretary of State to the new government.

Elected Vice-President, and

President. And lastly, a Visitor and Rector of the University. In these different offices, with scarcely any interval between them, I have been in the public service now sixty-one years; and during the far greater part of the time, in foreign countries or in other States. Every one knows how inevitably a Virginia estate goes to ruin, when the owner is so far distant as to be unable to pay attention to it himself; and the more especially, when the line of

his employment is of a character to abstract and alienate his mind entirely from the knowledge necessary to good, and even to saving management.

If it were thought worth while to specify any particular services rendered, I would refer to the specification of them made by the legislature itself in their Farewell Address, on my retiring from the Presidency, February, 1809. [This will be found in 2 Pleasant's Collection, page 144.] There is one, however, not therein specified, the most important in its consequences, of any transaction in any portion of my life; to wit, the head I personally made against the federal principles and proceedings, during the administration of Mr. Adams. Their usurpations and violations of the Constitution at that period, and their majority in both Houses of Congress, were so great, so decided, and so daring, that after combating their aggressions, inch by inch, without being able in the least to check their career, the republican leaders thought it would be best for them to give up their useless efforts there, go home, get into their respective legislatures, embody whatever of resistance they could be formed into, and if ineffectual, to perish there as in the last ditch. All, therefore, retired, leaving Mr. Gallatin alone in the House of Representatives, and myself in the Senate, where I then presided as Vice-President. Remaining at our posts, and bidding defiance to the brow-beatings and insults by which they endeavored to drive us off also, we kept the mass of republicans

in phalanx together, until the legislature could be brought up to the charge; and nothing on earth is more certain, than that if myself particularly, placed by my office of Vice-President at the head of the republicans, had given way and withdrawn from my post, the republicans throughout the Union would have given up in despair, and the cause would have been lost forever. By holding on, we obtained time for the legislature to come up with their weight; and those of Virginia and Kentucky particularly, but more especially the former, by their celebrated resolutions, saved the Constitution at its last gasp. No person who was not a witness of the scenes of that gloomy period, can form any idea of the afflicting persecutions and personal indignities we had to brook. They saved our country however. The spirits of the people were so much subdued and reduced to despair by the X Y Z imposture, and other stratagems and machinations, that they would have sunk into apathy and monarchy, as the only form of government which could maintain itself.

If legislative services are worth mentioning, and the stamp of liberality and equality, which was necessary to be imposed on our laws in the first crisis of our birth as a nation, was of any value, they will find that the leading and most important laws of that day were prepared by myself, and carried chiefly by my efforts; supported, indeed, by able and faithful coadjutors from the ranks of

the House, very effective as seconds, but who would not have taken the field as leaders.

The prohibition of the further importation of slaves was the first of these measures in time.

This was followed by the abolition of entails, which broke up the hereditary and high-handed aristocracy, which, by accumulating immense masses of property in single lines of families, had divided our country into two distinct orders, of nobles and plebeians.

But further to complete the equality among our citizens so essential to the maintenance of republican government, it was necessary to abolish the principle of primogeniture. I drew the law of descents, giving equal inheritance to sons and daughters, which made a part of the revised code.

The attack on the establishment of a dominant religion, was first made by myself. It could be carried at first only by a suspension of salaries for one year, by battling it again at the next session for another year, and so from year to year, until the public mind was ripened for the bill for establishing religious freedom, which I had prepared for the revised code also. This was at length established permanently, and by the efforts chiefly of Mr. Madison, being myself in Europe at the time that work was brought forward.

To these particular services, I think I might add the establishment of our University, as principally my work, acknowledging at the same time, as I do,

the great assistance received from my able colleagues of the Visitation. But my residence in the vicinity threw, of course, on me the chief burden of the enterprise, as well of the buildings as of the general organization and care of the whole. The effect of this institution on the future fame, fortune and prosperity of our country, can as yet be seen but at a distance. But an hundred well-educated youths, which it will turn out annually, and ere long, will fill all its offices with men of superior qualifications, and raise it from its humble state to an eminence among its associates which it has never yet known; no, not in its brightest days. That institution is now qualified to raise its youth to an order of science unequalled in any other State; and this superiority will be the greater from the free range of mind encouraged there, and the restraint imposed at other seminaries by the shackles of a domineering hierarchy, and a bigoted adhesion to ancient habits. Those now on the theatre of affairs will enjoy the ineffable happiness of seeing themselves succeeded by sons of a grade of science beyond their own ken. Our sister States will also be repairing to the same fountains of instruction, will bring hither their genius to be kindled at our fire, and will carry back the fraternal affections which, nourished by the same *alma mater*, will knit us to them by the indissoluble bonds of early personal friendships. The good Old Dominion, the blessed mother of us all, will then raise her head with pride

among the nations, will present to them that splendor of genius which she has ever possessed, but has too long suffered to rest uncultivated and unknown, and will become a centre of ralliance to the States whose youth she has instructed, and, as it were, adopted.

I claim some share in the merits of this great work of regeneration. My whole labors, now for many years, have been devoted to it, and I stand pledged to follow it up through the remnant of life remaining to me. And what remuneration do I ask? Money from the treasury? Not a cent. I ask nothing from the earnings or labors of my fellow citizens. I wish no man's comforts to be abridged for the enlargement of mine. For the services rendered on all occasions, I have been always paid to my full satisfaction. I never wished a dollar more than what the law had fixed on. My request is, only to be permitted to sell my own property freely to pay my own debts. To *sell* it, I say, and not to *sacrifice* it, not to have it gobbled up by speculators to make fortunes for themselves, leaving unpaid those who have trusted to my good faith, and myself without resource in the last and most helpless stage of life. If permitted to sell it in a way which will bring me a fair price, all will be honestly and honorably paid, and a competence left for myself, and for those who look to me for subsistence. To sell it in a way which will offend no moral principle, and expose none to risk but the willing, and those wishing to be permitted to take

the chance of gain. To give me, in short, that permission which you often allow to others for purposes not more moral.

Will it be objected, that although not evil in itself, it may, as a precedent, lead to evil? But let those who shall quote the precedent bring their case within the same measure. Have they, as in this case, devoted three-score years and one of their lives, uninterruptedly, to the service of their country? Have the times of those services been as trying as those which have embraced our Revolution, our transition from a colonial to a free structure of government? Have the stations of their trial been of equal importance? Has the share they have borne in holding their new government to its genuine principles, been equally marked? And has the cause of the distress, against which they seek a remedy, proceeded, not merely from themselves, but from errors of the public authorities, disordering the circulating medium, over which they had no control, and which have, in fact, doubled and trebled debts, by reducing, in that proportion, the value of the property which was to pay them? If all these circumstances, which characterize the present case, have taken place in theirs also, then follow the precedent. Be assured, the cases will be so rare as to produce no embarrassment, as never to settle into an injurious habit. The single feature of a sixty years' service, as no other instance of it has yet occurred in our country, so it probably never

may again. And should it occur, even once and again, it will not impoverish your treasury, as it takes nothing from that, and asks but a simple permission, by an act of natural right, to do one of moral justice.

Thomas Jefferson's Will.

I, Thomas Jefferson, of Monticello, in Albemarle, being of sound mind, and in my ordinary state of health, make my last will and testament in manner and form as follows:

I give to my grandson Francis Eppes, son of my dear deceased daughter Mary Eppes, in fee simple, all that part of my lands at Poplar Forest lying west of the following lines, to wit: beginning at Radford's upper corner, near the double branches of Bear Creek, and the public road, and running thence in a straight line to the fork of my private road, near the barn; thence along that private road, (as it was changed in 1817,) to its crossing of the main branch of North Tomahawk Creek; and from that crossing, in a direct line over the main ridge which divides the North and South Tomahawk, to the South Tomahawk, at the confluence of two branches where the old road to the Waterlick crossed it, and from that confluence up the northernmost branch, (which separate M'Daniels' and Perry's fields,) to its source; and thence by the shortest line to my western boundary. And having,

in a former correspondence with my deceased son-in-law John W. Eppes, contemplated laying off for him, with remainder to my grandson Francis, a certain portion in the southern part of my lands in Bedford and Campbell, which I afterwards found to be generally more indifferent than I had supposed, and therefore determined to change its location for the better; now to remove all doubt, if any could arise on a purpose merely voluntary and unexecuted, I hereby declare that what I have herein given to my said grandson Francis, is instead of, and not additional to, what I had formerly contemplated. I subject all my other property to the payment of my debts in the first place. Considering the insolvent state of the affairs of my friend and son-in-law Thomas Mann Randolph, and that what will remain of my property will be the only resource against the want in which his family would otherwise be left, it must be his wish, as it is my duty, to guard that resource against all liability for his debts, engagements or purposes whatsoever, and to preclude the rights, powers, and authorities over it, which might result to him by operation of law, and which might, independently of his will, bring it within the power of his creditors, I do hereby devise and bequeath all the residue of my property, real and personal, in possession or in action, whether held in my own right, or in that of my dear deceased wife, according to the powers vested in me by deed of settlement for that purpose, to my grandson Thomas J. Ran-

dolph, and my friends Nicholas P. Trist and Alexander Garrett, and their heirs, during the life of my said son-in-law Thomas M. Randolph, to be held and administered by them, in trust, for the sole and separate use and behoof of my dear daughter Martha Randolph, and her heirs; and aware of the nice and difficult distinction of the law in these cases, I will further explain by saying, that I understand and intend the effect of these limitations to be, that the legal estate and actual occupation shall be vested in my said trustees, and held by them in base fee, determinable on the death of my said son-in-law, and the remainder during the same time be vested in my said daughter and her heirs, and of course disposable by her last will, and that at the death of my said son-in-law, the particular estate of the trustees shall be determined, and the remainder, in legal estate, possession, and use, become vested in my said daughter and her heirs, in absolute property forever. In consequence of the variety and indescribableness of the articles of property within the house at Monticello, and the difficulty of inventorying and appraising them separately and specifically, and its inutility, I dispense with having them inventoried and appraised; and it is my will that my executors be not held to give any security for the administration of my estate. I appoint my grandson Thomas Jefferson Randolph, my sole executor during his life, and after his death I constitute executors my friends Nicholas P. Trist

and Alexander Garrett, joining to them my daughter Martha Randolph, after the death of my said son-in-law Thomas M. Randolph. Lastly, I revoke all former wills by me heretofore made; and in witness that this is my will, I have written the whole with my own hand on two pages, and have subscribed my name to each of them this sixteenth day of March, one thousand eight hundred and twenty-six.

I, Thomas Jefferson, of Monticello, in Albemarle, make and add the following codicil to my will, controlling the same so far as its provisions go:

I recommend to my daughter Martha Randolph, the maintenance and care of my well beloved sister Anne Scott, and trust confidently that from affection to her, as well as for my sake, she will never let her want a comfort. I have made no specific provision for the comfortable maintenance of my son-in-law Thomas M. Randolph, because of the difficulty and uncertainty of devising terms which shall vest any beneficial interest in him, which the law will not transfer to the benefit of his creditors, to the destitution of my daughter and her family, and disablement of her to supply him: whereas, property placed under the exclusive control of my daughter and her independent will, as if she were a feme sole, considering the relation in which she stands both to him and his children, will be a certain resource against want for all.

I give to my friend James Madison, of Montpellier, my gold-mounted walking staff of animal horn, as a token of the cordial and affectionate friendship which for nearly now an half century, has united us in the same principles and pursuits of what we have deemed for the greatest good of our country.

I give to the University of Virginia my library, except such particular books only, and of the same edition, as it may already possess, when this legacy shall take effect; the rest of my said library, remaining after those given to the University shall have been taken out, I give to my two grandsons-in-law Nicholas P. Trist and Joseph Coolidge. To my grandson Thomas Jefferson Randolph, I give my silver watch in preference of the golden one, because of its superior excellence. My papers of business going of course to him, as my executor, all others of a literary or other character I give to him as of his own property.

I give a gold watch to each of my grandchildren, who shall not have already received one from me, to be purchased and delivered by my executor to my grandsons, at the age of twenty-one, and granddaughters at that of sixteen.

I give to my good, affectionate, and faithful servant Burwell, his freedom, and the sum of three hundred dollars, to buy necessaries to commence his trade of glazier, or to use otherwise, as he pleases.

I give also to my good servants John Hemings and Joe Fosset, their freedom at the end of one year

after my death; and to each of them respectively, all the tools of their respective shops or callings; and it is my will that a comfortable log-house be built for each of the three servants so emancipated on some part of my lands convenient to them with respect to the residence of their wives, and to Charlottesville and the University, where they will be mostly employed, and reasonably convenient also to the interests of the proprietor of the lands, of which houses I give the use of one, with a curtilage of an acre to each, during his life or personal occupation thereof.

I give also to John Hemings the service of his two apprentices Madison and Eston Hemings, until their respective ages of twenty-one years, at which period respectively, I give them their freedom; and I humbly and earnestly request of the legislature of Virginia a confirmation of the bequest of freedom to these servants, with permission to remain in this State, where their families and connections are, as an additional instance of the favor, of which I have received so many other manifestations in the course of my life, and for which I now give them my last, solemn, and dutiful thanks.

In testimony that this is a codicil to my will of yesterday's date, and that it is to modify so far the provisions of that will, I have written it all with my own hand in two pages, to each of which I subscribe my name, this seventeenth day of March, one thousand eight hundred and twenty-six.